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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.10.2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.R.C. No.1928 of 2025

and

Crl.M.P.No. 18534 of 2025

M/s Aadhavan Super Market,
Proprietor and Authorised Signatory
Mr.K.Sathish, Son of Mr.Kumar,
Door No.80/27, Muthamman Koil Street,
Ayanavaram, Chennai 600 023.

2. K. Sathish @ Saravanan

...Petitioners

Vs

Mr.E. Gopalakrishnan ..Respondent

Prayer: This Criminal Revision petition is filed under Section 438 r/w 442

to call for the records in S.T.C.No.3526 of 2015 on the file of the Metropolitan Magistrate Fast Track Court-II, Egmore @ Allikulam, Chennai and examine the same for legality, propriety and correctness and set aside the impugned order dated 22.08.2025 made in Crl.M.P.No.11065 of 2025; consequently, allow the said Crl.M.P.No.11065 of 2025 and discharge the petitioners/accused from the case in S.T.C.No.3526 of 2025 and pass orders.



For Petitioner : Mr.K.N. Nataraj

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ORDER

This criminal revision has been filed to call for the records in S.T.C.No.3526 of 2015 on the file of the Metropolitan Magistrate Fast Track Court-II, Egmore @ Allikulam, Chennai and examine the same for legality, propriety and correctness and set aside the impugned order dated 22.08.2025 made in CrI.M.P.No.11065 of 2025; consequently, allow the said CrI.M.P.No.11065 of 2025 and discharge the petitioners/accused from the case in S.T.C.No.3526 of 2025.

2.The case of the petitioner is that the alleged liability is settled to have arisen out of a transaction that took place on or before 15.04.2021. The said debt on the alleged date of issuance of the cheque, was time barred under Article 19 of the schedule to the limitation Act, 1963 which prescribed a limitation of 3 years for a suit for recovery of money based on the promissory note, oral or written. Since the cheque in question was issued for a time barred debt the essential ingredient of legally enforceable debt or liability u/s 138 of N.I Act would not arise. Therefore, the petitioner has filed CrI.M.P.No.11065 of 2025 in S.T.C.No.3526 of 2025 to discharge the accused u/s 262 of BNSS



before The Metropolitan Magistrate Fast Track Court-II, Egmore @ Allikulam, Chennai and the same was dismissed on 22.08.2025. Hence this petition.

3. The respondent states that the cheque in question was issued only recently by the second petitioner to discharge his legally valid debt, the intention of the petitioner/ accused is to escape from the liability. Hence prays to dismiss this petition.

4. On a perusal of records it is seen that the alleged liability related transactions took place on or before 15.04.2021 from February 2022 is declared as Covid-19 pandemic period and limitation of such period was waived. Whether such waiver of limitation will applicable to the present case of not, can be decided only after trial. Similarly, the limitation is mixed question of fact of law can be decided from evidences only after trial.

5. In view of the above this Court is of the considered view that this petition deserves to be dismissed. Accordingly this petition is dismissed.

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Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
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07.10.2025

T.V.THAMILSELVI,J.

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To.

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The Metropolitan Magistrate Fast Track Court-II,
Egmore @ Allikulam, Chennai

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Crl.M.P.No. 18534 of 2025**

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