



CRL OP(MD). No.11490 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 25/09/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL.O.P(MD).No.11490 of 2025

and

CrI.M.P(MD) Nos.8710 and 8711 of 2025

P.Vasanthasekaran

... Petitioner

Vs

V. Ramachandran,
S/o.Vellaichamy

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records relating to the impugned Complaint in C.C. No.54/2025 on the file of the learned Judicial Magistrate, Fast Track Court, Karaikudi and quash the same.

For Petitioner : Mr.S.Alagarsamy

For Respondent : M/s.S.Mahalakshmi

ORDER

This Criminal Original Petition is filed to quash the complaint filed under Section 138 of Negotiable Instrument Act in C.C. No.54/2025



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on the file of the learned Judicial Magistrate, Fast Track Court,
Karaikudi.

2. According to the petitioner, the complaint has been filed beyond the period of limitation. The respondent filed the complaint against the petitioner under Section 138 of Negotiable Instrument Act, alleging that the petitioner issued a cheque for Rs.7,20,000/- towards a sum due and that when the said cheque was presented for collection, it was returned with the endorsement 'funds insufficient' and in spite of statutory notice, the petitioner did not make any payment.

3. Admittedly, the statutory notice was issued on 23.10.2024 and the same was served on the petitioner on 24.10.2024. The respondent ought to have filed a complaint on or before 09.12.2024. According to the petitioner, the complaint was filed on 23.01.2025 and he relies on the E-Court status, in which it is stated that the filing date is 23.01.2025.

4. The learned counsel for the respondent, however, would dispute the said fact and would submit that the respondent had filed the



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complaint through e-filing and the same was before the statutory period of limitation, i.e., on 06.12.2024.

5. There cannot be any quarrel with the proposition that a complaint which is barred by limitation would not be maintainable, unless the learned Magistrate has condoned the delay in terms of the provisions under the Negotiable Instrument Act. However, the question in this case as to whether the complaint is barred by limitation is factual in nature. This Court cannot determine only based on the E-Court status that the complaint was filed on 23.01.2025, as this Court can take judicial notice of the fact that there are issues with regard to the date of filing and the date of uploading etc., in the e-filing system.

6. Therefore, this Court is of the view that the point raised by the petitioner has to be adjudicated only by the trial court. However, the learned counsel for the petitioner and the learned counsel for the respondent would both request that the trial be directed to be concluded expeditiously, as both the petitioner and the respondent are aged about 69 years and 78 years, respectively.



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7.Considering the age of the petitioner and the respondent, this Court directs the learned Judicial Magistrate, Fast Track Court, Karaikudi, to expeditiously dispose of the trial in C.C. No.54/2025 and in any event, within a period of six months from the date of receipt of a copy of this order.

8.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

25.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To
The Judicial Magistrate, Fast Track Court,
Karaikudi.



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SUNDER MOHAN,J

CP

ORDER
IN
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Date : 25/09/2025