



WEB COPY

CRL OP No. 5110 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 5110 of 2026
and Crl.M.P.Nos.3824 & 3825 of 2026**

P.Vasudevan
Proprietor of M/s. Metro Retail and Trade,
1st Floor, No. 50, Mezzanine Floor,
Nainammal Street, Ambattur,
Tiruvallur, Tamilnadu 600 053.

..Petitioner(s)

Vs

Usha Rani
W/o.Dilli Babu,
Proprietrix of M/s . Unique Branding,
at No. 142/2, K II Road, Ayanavaram,
Chennai 600 023.
Represented by her Power of Attorney V.Sriganesh
M/a. 54 Years, S/o.Vaidyanathan,
Residing at Flat No.2, Chellam Flats,
43/53, 1st Avenue, Ashok Nagar,
Chennai 600 083.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records and quash all the proceedings in S.T.C.No. 17604/2025 on the file of the Learned Metropolitan Magistrate, FTC-I at Allikulam, Chennai and thus render justice.

For Petitioner(s): Mr.S.C.Pratheep Ashok Kumar

For Respondent(s): Mr.A.Lokheshvaran



ORDER

The petitioner / accused who is facing trial in S.T.C.No.17604 of 2025 for an offence under Section 138 of the Negotiable Instruments Act, on the file of the Court of Metropolitan Magistrate, FTC-I at Allikulam, Chennai, has filed this quash application.

2. The primary ground raised by the petitioner is that the complaint has been filed with a delay of 14 days and there is no petition filed under Section 142 (b) of the NI Act, seeking for condonation of delay. Hence, the cognisance taken by the Trial Court is bad in law.

3. The learned counsel for the petitioner/accused submits that in the statutory notice issued, it does not mention when the cheques were presented or when they were dis-honoured. He further submits that two notices were issued for the very same cheques, one is by Ms.Usha Rani of M/s Unique Branding and another by Y.Shankar Raju, Proprietor of M/s SSS Enterprises. The cheques disputed in this case have been deposited by two different persons in two different banks. Hence the conditions stipulated under Section 138 of the NI Act have not been followed and the complaint cannot be sustained.

4. The learned counsel appearing for the respondent/complainant submits that in this case complaint was filed on 21.08.2025, that is well within the statutory period. In proof of the same, he had produced the e-Court filing details and also the Court fee payment details which was also dated 21.08.2025.



5. With regard to the other submission, the learned counsel submitted that in this case the complaint is being prosecuted by one Usha Rani of M/s Unique Branding. As regards the petitioner's contention that another person had sent a notice, the respondent submitted that the said notice was not caused by the respondent and the respondent / complainant is not aware about the same. He further submitted that the points raised by the petitioner are frivolous and the petitioner is facing a deemed offence. The statutory presumption operates against the petitioner and if at all the petitioner is aggrieved, his defence can be raised during trial.

6. In the considered opinion of this Court, the grounds raised by the petitioner involve disputed questions of fact, which cannot be adjudicated in a petition filed under Section 528 of BNSS, at the threshold stage. The contentions regarding delay, issuance of multiple notices, and compliance with statutory requirements are all matters that require appreciation of evidence. Accordingly, this Court finds no merit consideration in this petition and the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

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To
The Metropolitan Magistrate, FTC-I at Allikulam, Chennai.

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