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Crl.O.P.No.7681 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.7681 of 2023 and
Crl.MP.Nos.4918 & 4921 of 2023

A.Trilochan

... Petitioner

Vs.

R.Pratapgupta

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the entire records in C.C.No.1925 of 2022 on the file of Metropolitan Magistrate, Fast Track Court-I, at Allikulam, Chennai and quash the same.

For Petitioner : Mr.G.Saravanan

For Respondent : Mr.M.Anandaraj

ORDER

This criminal original petition has been filed to quash the proceedings in C.C.No.1925 of 2022 on the file of Metropolitan Magistrate, Fast Track Court-I, at Allikulam, Chennai.

2. The petitioner is the accused in the complaint lodged by the



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respondent on the allegation that the accused is the owner of the property situated at No.9/4 Barathi Salai, Triplicane, Chennai and he constructed a shop in his premises. Thereafter, he approached the respondent to sell one of the portions in the ground floor of the premises for the total sale consideration of Rs.20,00,000/-. Believing the said representation, the respondent paid Rs.14,96,000/- for construction of shop as advance. However, the accused was trying to drag the sale process and as such the respondent asked to return the money. The accused had returned some amount to the tune of only Rs.6,65,000/- and promised to pay the balance of Rs.8,31,000/- by instalments. Accordingly, the petitioner issued nearly 25 cheques. All the cheques were presented for collection and all the cheques were returned dishonoured for the reason 'payment stopped by the drawer' and 'funds insufficient'. After causing statutory notice, the respondent initiated proceedings under Section 138 of NI Act and the same has been taken cognizance by the trial court.

3. The learned counsel for the petitioner raised only one ground that the respondent cannot maintain a single complaint on different cause of action. The cheques were issued from two banks and three accounts. However, all the cheques were presented on the same day and single complaint was filed for different cause of action. Therefore, the complaint



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itself is not maintainable. In this regard, the learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Sumit Bansal Vs. MGI Developers and Promoters and another*** reported in ***2026 SCC Online 49***.

4. Heard, the learned counsel appearing on either side and perused all the materials placed before this Court.

5. On perusal of the records, it is revealed that though the petitioner issued 25 cheques from difference banks and different accounts, all the cheques were presented for collection and all were returned dishonoured for the reason 'funds insufficient' and 'payment stopped by the drawer'. Most of the cheques were returned for the reason 'funds insufficient'. Only one cheque was returned for the reason 'payment stopped by the drawer'. After causing statutory notice, the respondent filed complaint. It is well settled that under Section 138 of NI Act, a separate cause of action arises upon each dishonour of a cheque provided the statutory sequence of presentation, dishonour, notice, and failure to pay is complete. The fact that multiple cheques arise from one transaction will not merge them into a single cause of action. The scheme of Section 138 of NI Act does not bar the prosecution in such



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circumstances. The Hon'ble Supreme Court of India in the case of *Neeharika Infrastructure Private Limited vs. State of Maharashtra and Others* reported in (2021) 19 SCC 404, held that the power to quash criminal proceedings must be exercised sparingly, and only where the complaint, even if accepted in full, discloses no offence or continuation would amount to abuse of process of law. In the case on hand, though statutory notice was issued in a single stroke for all the cheques, the complaint is very much maintainable and there is no bar under Section 138 of NI Act. As such, the grounds raised by the petitioner cannot be countenanced and this criminal original petition is liable to be dismissed.

6. Accordingly, this criminal original petition is dismissed. The trial court is directed to complete the trial within the period of three months from the date of receipt of this order. Consequently, connected miscellaneous petitions are closed.

10.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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Metropolitan Magistrate, Fast Track Court-I, at Allikulam, Chennai



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G.K.ILANTHIRAIYAN, J.

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