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CRL OP No. 16033 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 16033 of 2026

C.Prema

..Petitioner(s)

Vs

N.C.Prasanth Raj

..Respondent(s)

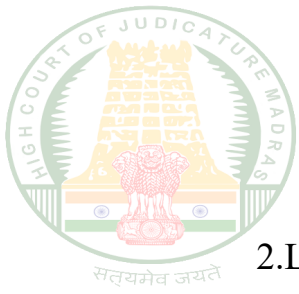
Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, to set aside the E court's return order dated 19.05.2026 passed by the Learned Metropolitan Magistrate FTC-V, at Saidapet Chennai, returning the complaint filed under section 138 of N.I. Act in STC Filing No.21061 of 2025.

For Petitioner(s):

Mr.M.Vimal Bobby Crimson

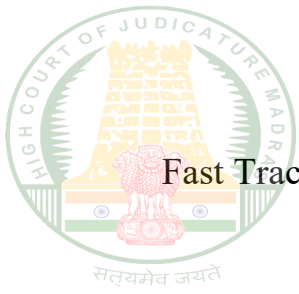
ORDER

Challenging the e-Court's order of return, dated 19.05.2026, passed by the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai, returning the complaint filed by the petitioner in S.T.C.Filing No.21061 of 2025, the present Criminal Original Petition has been filed.



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2. Learned counsel for the petitioner submitted that the petitioner had filed a complaint as against the respondent for the offence under Section 138 of the Negotiable Instruments Act, before the learned Metropolitan Magistrate, Fast Track Court-V, Saidapet, Chennai, on 05.08.2025. Thereafter, the complaint has been kept pending. The petitioner has made several attempts to find out the status of the case, but was unable to get proper response. Finally, the complaint was taken for scrutiny on 19.05.2026 after a lapse of 10 months and it was returned stating that *“On perusal of records this Court has no jurisdiction. Hence returned and direct the complainant to present before proper court within one month.”* The petitioner ought to have re-presented the complaint on or before 19.06.2026 before the learned Judicial Magistrate, Fast Track Court, Alandur, since the petitioner/complainant’s account is maintained in State Bank of India, Okkiyam Thoraippakkam Branch. He further submitted that the return was not intimated to the petitioner on 19.05.2026. The petitioner was not put on notice. Only thereafter, the petitioner came to know about the return and by that time, the period of one month granted by the learned Magistrate had lapsed. Now, the petitioner is neither before Fast Track Court-V, Saidapet, Chennai, nor Judicial Magistrate, Fast Track Court, Alandur. The learned counsel submits that, for technical reasons on the ground of jurisdiction alone, the petitioner should not suffer and finally submits that, if time is granted, the petitioner will re-present the complaint before the learned Judicial Magistrate,

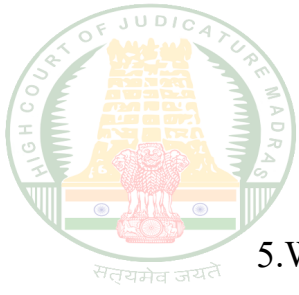


Fast Track Court, Alandur.

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3.Considering the submissions made by the learned counsel for the petitioner and on perusal of the materials on record, this Court finds that the petitioner has filed the complaint as early as on 05.08.2025 and it has been returned by the learned Magistrate only on the technical ground of jurisdiction after a lapse of 10 months on 19.05.2026. Though the learned Magistrate had granted time of one month, there is nothing to show that the petitioner was informed about the return. By the time the petitioner came to know about the return, the time granted by the Court had lapsed. In view of the above, this Court is of the view that time is to be granted to the petitioner for re-presentation.

4.Accordingly, the petitioner is directed to re-present the complaint before the learned Judicial Magistrate, Fast Track Court, Alandur, within a period of 30 days from today. On such re-presentation, the learned Judicial Magistrate, Fast Track Court, Alandur, shall not raise any objection on the delay and is directed to receive the complaint, take the same on file and dispose of the same on its own merits.



5. With these directions, this Criminal Original Petition is disposed of.

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24-06-2026

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

MKN

Note to Registry : Issue order copy on 25.06.2026.

To

1. The Metropolitan Magistrate,
Fast Track Court-V,
Saidapet, Chennai.
2. The Judicial Magistrate,
Fast Track Court,
Alandur.



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M.NIRMAL KUMAR J.

MKN

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