



Crl.O.P.No.6472 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2026

CORAM:

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

Crl.O.P.No.6472 of 2023 and
Crl.MP.Nos.4112 & 4113 of 2023

Sudha

... Petitioner

Vs.

M.G.Suresh

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C. praying to call for the records in STC.No.143 of 2022 pending on the file of the District Munsif cum Judicial Magistrate at Pallipattu and quash the same.

For Petitioner : Mr.R.Radha Pandian

For Respondent : No appearance

ORDER

This criminal original petition has been filed praying to quash the proceedings in STC.No.143 of 2022 pending on the file of the District Munsif cum Judicial Magistrate at Pallipattu.



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2. The petitioner is the accused in the complaint lodged by the respondent for the offence punishable under Section 138 of NI Act on the allegation that the petitioner and her husband borrowed loan from the respondent to the tune of Rs.14,00,000/-. In order to discharge the said liability, the petitioner had issued two cheques. Both were presented for collection and the same were returned for the reason 'insufficient funds'. After causing statutory notice, the respondent filed complaint and the same was taken cognizance by the trial court.

3. The learned counsel for the petitioner submits that there is absolutely no cause of action to lodge complaint since the cheques itself expired and after expiry, both the cheques were presented for collection. Therefore, the entire proceedings cannot be sustained and the same is liable to be quashed.

4. Though notice was served on the respondent and a counsel appeared on behalf of the respondent earlier, no one appeared before this court today either in person or through pleader.

5. Heard, the learned counsel for the petitioner and perused all the materials placed before this Court.



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6. On perusal of records, it is revealed that the petitioner had allegedly borrowed a sum of Rs.14,00,000/- as hand loan and in order to discharge the said loan, the petitioner had issued two cheques i.e. one cheque bearing No.601207 dated 15.12.2021 for a sum of Rs.6,81,100/- and another cheque bearing No.601208 dated 25.01.2022 for a sum of Rs.6,81,100/-. The first cheque dated 15.12.2021 was presented for collection on 04.01.2022 and the same was returned dishonoured for the reason 'insufficient funds' by the return memo dated 05.01.2022. Once again, the very same cheque was re-presented for collection on 30.05.2022 and the same was returned for the reason 'insufficient funds'. The second cheque dated 25.01.2022 for a sum of Rs.6,81,100/- was presented on 23.05.2022 and the same was returned for the reason 'insufficient funds'. Thus, it is clear that both the cheques were presented after period of three months from the date of issuance. After 2012, as per the amendment of Negotiable Instruments Act, the validity of a cheque is only three months from the date of issuance. Admittedly, both the cheques were presented after lapse of three months and as such, **both the cheques are barred by limitation** and they cannot be construed as instrument to attract the offence under Section 138 of NI Act. In fact, after receipt of statutory notice, the petitioner issued reply notice by stating that **the cheques are barred by limitation** and as such, no cause

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of action arose to initiate proceedings under Section 138 of NI Act.

Therefore, the complaint itself cannot be sustained and the same is liable to be quashed.

7. Accordingly, the entire proceedings in STC.No.143 of 2022, pending on the file of the District Munsif cum Judicial Magistrate at Pallipattu, is quashed and this criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

24.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

District Munsif cum Judicial Magistrate at Pallipattu



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G.K.ILANTHIRAIYAN, J.

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