

Sample Complaint under Section 138 applies to Delhi:

IN THE COURT OF THE CHIEF METROPOLITAN MAGISTRATE TIS HAZARI COURTS, DELHI

Complaint Case No..... of 20...

In the matter of:

.....

Through its Director.....

.....Complainant

VERSUS

1. M/s (company).....

2. Managing Director.....

3. Finance Director.....

4. Director.....

.....Accused

POLICE STATION: _____

Complaint under section 190 of the Criminal procedure code, 1973 for taking cognizance of the offense committed under sections 138, 141 of the Negotiable Instruments Act, 1881.

Most respectfully submitted

1. The complainant is a company incorporated under the provisions of the Companies Act, 1956 having its registered office at and the complainant is having its branch office in Delhi at the above address. The Complainant Company disengaged in the business of purchase and sale of The present complaint is filed through Mr..... who is competent to file this complaint on behalf of the Company.

2. The accused No.1 is a company incorporated under the provisions of the companies Act, 1956 having its registered office in Delhi at above address . The accused No.1 company is engaged in business of purchase & sale of

3. The accused NO 2 is the Managing Director, the accused No. 3 is the Finance Director and the accused No.3 is the Director of the accused no.1 company and wholly responsible for the conduct of the accused company. The affairs of the accused No. 1 company are managed by accused no.2 to 4 and as such they are in control of the affairs of the accused No. 1 company & liable of all the facts and deeds committed by the accused No.1 company.

4. The accused No.2 placed an order with the Complainant company on dated... or the supply of ... The complainant company supplied the above machines on Dated.....and the accused No.1 had taken delivery of the machines on datedvide delivery challan No. dated..... The complainant company had raised an Invoice No.....dated.....for Rs..... (Rs.....) on the accused No.1 company.

5. That the accused No.1 company through the hands of accused No. 3 issued a cheque drawn on..... bearing No. dated.....for Rs. In discharge of the above liability.

6. That the complainant company presented the above said cheque for collection through its bankers..... & to its dismay found that the cheque was returned unpaid on dated..... for want of sufficient funds in the A/c of the accused.

7. That the complainant had immediately sent a legal notice on dated.....to the accused company demanding therein the payment of Rs..... within 15 days of the receipt of the notice. The above notice of demand was received by the accused on dated.....

8. That the accused had failed to make payment of Rs.....with in 15 days from the date of receipt of statutory notice.

9. That the issuance of cheque by the accused without having sufficient funds in the bank is an act which has been done deliberately, mischievously & malafidely with an intention to cheat the complainant company. The accused was aware of the fact that on presentation the cheque would never be honored because of insufficiency of funds in their A/c.

10. The complainant submit that it had presented the cheque within the time limit prescribed by the Negotiable Instruments Act 1881 and the dishonored cheque was issued by the accused by the accused without maintaining sufficient funds in the account further the accused have failed to make the payment of the sum covered under the dishonored cheque within 15 days from the date of receipt of the notice of demands. Therefore, all the accused have committed the offense under section 138 of the Negotiable Instruments Act, 1881.

11. That the complainant company had sent a registered legal notice to the accused No.1 company within the time limit prescribed by the Negotiable Instruments Act, 1881 and the accused had not made the payment within 15 days of the receipt of the notice thereof. The above said cheque was cheque was issued in Delhi and returned unpaid from the complainant's Bank in Delhi, hence this Hon'ble court has jurisdiction to take cognizance of the offense.

PRAYER

It is, therefore most humbly prayed that this Hon'ble court may be pleased to take the complaint on record and punish the accused according to law and in the interest of justice.

New Delhi

Dated.....

Complainant

Counsel for the Complainant

LIST OF DOCUMENTS FILED

1. Cheque No.... Dated.....for.....Rs.....drawn on bank.....(In original)
2. Copy of the legal notice dated.....sent to the accused.
3. Postal proof of dispatch of the above legal notice(In original)
4. Postal Acknowledgment cards received back from the accused (In original)

LIST OF WITNESSES

- 1.
- 2.