

IN THE COURT OF JUDICIAL MAGISTRATE, HARUR

Proceeded by **Mr. DHINAKARAN.N**, Judicial Magistrate, Harur.

Monday the 18th day of May 2026

Crl.M.P. No. 6539/2023

in

STC.No. 516/2020

1. P. Vasudevan (died)

2. Parameswari

... Petitioners / Complainants

Versus

R. Arunkumar

... Respondent / Accused

This petition taken on file on 11.12.2023 and coming up for the final hearing today. Upon perusal of records, this court delivers the following.

ORDER

1. This Criminal Miscellaneous Petition has been filed by the petitioner/2nd petitioner seeking permission of this Court to continue the prosecution in S.T.C. No.516 of 2020 consequent to the death of the original complainant namely P. Vasudevan.
2. The records reveal that the original complaint under Section 138 of the Negotiable Instruments Act had been instituted by the deceased complainant against the respondent/accused alleging commission of offence punishable under Section 138 of the Negotiable Instruments Act in respect of dishonour of cheque relating to a sum of Rs.8,00,000/-.

3. Pending proceedings of the above case, the original complainant namely P. Vasudevan died on 19.03.2022. Thereafter, the present petitioner namely Parameswari, being the wife and one of the legal heirs of the deceased complainant, has filed the present petition seeking permission of this Court to continue the complaint proceedings on behalf of the estate of the deceased complainant.
4. In the affidavit filed in support of the petition, the petitioner has stated that apart from herself, the deceased complainant is survived by his aged mother and two daughters as legal heirs. It is further stated that due to the advanced age of the mother of the deceased and the educational commitments of the daughters, they are unable to effectively prosecute the matter before this Court. Therefore, the petitioner, being the wife and legal heir of the deceased complainant, has come forward to continue the prosecution.
5. The petitioner has produced the Death Certificate of the deceased complainant and the Legal Heirship Certificate in support of her claim. The said documents prima facie establishes the death of the original complainant and the status of the petitioner as one of the legal heirs competent to represent the estate of the deceased complainant.
6. Notice was ordered to the respondent/accused. Though notice had been issued to the respondent, the same was returned with an endorsement that the addressee had left without instruction. Considering the nature of the endorsement and the circumstances of the case, this Court holds that sufficient service has been effected on the respondent. Despite such service,

the respondent remained absent and no representation has been made on his behalf. Hence, counter opportunity stands closed.

7. At this juncture, it is relevant to refer to Section 256(2) Cr.P.C., which provides that the provisions relating to continuation of proceedings shall, so far as may be, apply to cases where the non-appearance of the complainant is due to his death. It is well settled that in prosecutions under Section 138 of the Negotiable Instruments Act, the legal heirs of a deceased complainant are entitled to continue the prosecution, especially when the subject matter of the proceedings concerns recovery of money due to the estate of the deceased complainant.
8. In the present case, the cheque amount involved is Rs.8,00,000/- and the cause of action survives to the estate and legal heirs of the deceased complainant. The petitioner has shown sufficient cause and bona fide intention to continue the prosecution. This Court finds no legal impediment in permitting the petitioner to continue the proceedings on behalf of the deceased complainant.
9. Accordingly, this Criminal Miscellaneous Petition is allowed on the following conditions:
 - i. The petitioner namely Parameswari is permitted to continue the prosecution in S.T.C. No.516 of 2020 on behalf of the deceased complainant P. Vasudevan and his estate.
 - ii. The proposed complainant/petitioner is directed to carry out necessary amendment in the original complaint and connected records by filing

amended cause title and amended complaint memo on or before 01.06.2026.

- iii. The amendment permitted herein shall only be with respect to substitution/continuation of the complainant representing the estate of the deceased complainant and shall not alter the nature, character or cause of action of the original complaint.
- iv. The petitioner shall diligently prosecute the matter and shall appear before the Court either personally or through counsel on all hearing dates unless exempted in accordance with law.
- v. The respondent/accused is at liberty to raise all factual and legal defenses available to him during the course of trial.
- vi. In the event of failure of the petitioner to carry out the amendment within the time stipulated above, this order shall automatically stand vacated without further reference to this Court.
- vii. Registry is directed to incorporate necessary changes in the cause title and records after filing of the amended complaint memo by the petitioner.

Call on 01.06.2026 for filing amended complaint and further proceedings.

Pronounced in open Court on this the 18th day of May, 2026 at Harur.

**Judicial Magistrate,
Harur.**