**COMPLAINT AGAINST CHEQUE DISHONOUR**

**AT**

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE AT …………………………**

**Cr. Complaint No. \_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_.**

…………………………………………………Complainant.

Versus

…………………………………………………………….Accused/Respdt.

**Complaint Under section 138 and 142 of the Negotiable Instrument Act, 1881.**

Respectfully ………………..:-   
  
1. That the accused issued one cheque bearing No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dated\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for a sum of Rs. \_\_\_\_\_\_\_\_\_drawn on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for a lawful valuable consideration in discharge of his liability in favour of the complainant.   
  
2. That the complainant presented the said cheque lastly on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which was returned unpaid by drawee Bank vide returning Memo dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for the reasons `Insufficient Funds`. The said cheque was presented within its validity period and stood dishonoured on presentation.   
  
3. That the complainant got a notice issued through his counsel dated \_\_\_\_\_\_\_\_\_\_\_ under registered AD cover and UPC to the accused demanding the amount of the dishonouredcheques within 15 days of the receipt thereof which was duly served upon him on(Date) \_\_\_\_\_\_\_\_\_\_\_\_. It is submitted that the Registered cover containing the notice was received back as unclaimed as the accused has deliberately avoided the service of the notice, however the notice sent through UPC stood served upon the accused on (Date)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the copy of notice with postal receipt/ UPC and envelop containing notice is filed with the complaint.

4. That the accused person has not cared to make the payment of the amount of dishonouredcheques to the complainant within 15 days as required under the law as demanded in the notice.   
  
5. That the cause of action for filing the complaint arose to the complainant with in the jurisdiction of this learned court when the accused failed to make the payment of the cheques in dispute to the complainant with in 15 days of the receipt of notice.

6. That the accused is guilty of an offence under section 138 of the Negotiable Instrument Act, 1881 and is liable to be punished under section 142 of the said Act.

It is, therefore, prayed that the accused person be proceeded against and punished in accordance with law as envisaged under section 142 of the Negotiable Instrument Act in accordance with law. Complainant   
  
Through Advocates

Place: \_\_\_\_\_\_\_\_\_

Dated: \_\_\_\_\_\_\_\_\_

List of Documents attached:-

1. Original dishonoured cheque No. \_\_\_\_\_\_\_\_\_\_\_\_ dated \_\_\_\_\_\_\_\_\_\_\_\_\_ for Rs.\_\_\_\_ drawn on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_   
  
2. Original returning Memos of the drawee Bank dated \_\_\_\_\_\_\_\_

3. copy of Notice dated \_\_\_\_\_\_\_\_\_\_\_\_\_.

4. Postal and UPC receipt dated \_\_\_\_\_\_\_\_\_ and envelop containing notice.   
  
List Witnesses:-

1. Complainant.

2. Concerned officers of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with the records pertaining to the \_\_\_\_\_\_\_\_ of the accused regarding dishonoured cheque No.\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for Rs.\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_.

**AFFIDAVIT**

I (Name)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ,

S/o Shri \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

aged \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ years,

R/o\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ do hereby solemnly affirm and declare on oath that the contents of the accompanied application from para 1 to 6 are true and correct to my personal knowledge and belief and that nothing false is stated therein and also nothing material is concealed there from   
  
I further declare and verify on oath that the contents of this affidavit are true and correct and nothing material is concealed there from. Verified at \_\_\_\_\_\_\_ on this \_\_\_\_\_\_\_ day of\_\_\_\_\_\_\_\_\_.

DEPONENT.