**Form of a complaint on behalf of the Proprietorship firm**

In the Court of Additional Chief Metropolitan Magistrate………………….Court

At…………… ………………..

Complaint No……………… 20…….

Shri…………………….

Prop.:………...……….

………………………..

Through : Shri…………

 Complainant

Vs.

Shri…………………..

Sole Proprietor………

…………………….. Accused

Complaint under section 138

read with section 142 of the

Negotiable Instruments Act, 1881

1. That the complainant is the proprietorship firm carrying on business in the name and style of M/s…………………………….. That the present complaint is being filed by the complainant through his authorised representative Shri………………who is the manager of the firm of the complainant and is a holder of Special Power of Attorney executed by the complainant in his favour, and is fully aware of the facts of the present case.

2. That the accused was purchasing goods of the complainant from time to time on credit bases. To fulfill the liability the accused had issued Cheque in favour of the complainant vide cheque No……………. dated………….. of Rs………… Drawn on……………

3. That the said cheque was presented in the bank of the complainant for the encashment, however, the said cheque was returned by the bankers of the accused with the remarks “………………”. The intimation relating to the dishonour of the cheque was received by the complainant on ………..

4. Thereafter the complainant approached the lawyer who has sent a notice dated…………. by way of registered post and UPC to the accused bringing to his knowledge about the dishonour of the said cheque on account of ………………….., and requested the accused to make the payment within 15 days of the receipt of the said notice. It was stated in the notice that in case the payment is not received within the stipulated time, the complainant shall be entitled to take legal action against the accused under the provisions of the Negotiable Instruments Act, 1881.

5. That the said notice has been duly received by the accused on……………but the accused has failed to make the payment under the said cheque and this has been done mala fidely, intentionally, deliberately and knowingly and at the same time when the cheque were issued, the accused knew the fate of the cheque that they would be dishonoured on account of insufficiency of funds or on account of exceeding the arrangements with the bank. That by the aforesaid acts, the accused has become liable to be prosecuted under the provisions of the Negotiable Instruments Act, 1881.

6. That the cheque have been dishonoured by the bankers of the accused for reasons as given under Section 138 of the Act. The complainant is the payee of the cheque and the complaint has been filed after due compliance with the conditions as prescribed under sections 138 and 142 of the Negotiable Instruments Act, 1881. The complaint has been filed within the limitation as provided for under the Act.

7. That the cause-of-action for purpose of filing the present complaint, besides other dates has arisen on…………….and on……………when the information with regard to the dishonour of the cheque was received by the complainant and further on………………. when a notice under the amended provisions of the Act was sent by the complainant and on…………. when the accused has not cleared the outstanding under the cheque after the receipt of the said notice on………….

8. That the cheque was issued and dishonoured within the jurisdiction of this Hon’ble Court and as the cause-of-action to file the present complaint has arisen within the jurisdiction of this Hon’ble Court, this Hon’ble Court can take cognizance of the offence as committed by the accused.

9. It is, therefore, prayed that, action be initiated against the accused under sections 138 and 142 of the Negotiable Instruments Act, 1881, and the accused be summoned and tried and be punished in accordance with law.

Advocate of the Complainant

Complainant

Place :

Date :

**LIST OF WITNESSES**

1. Complainant

2. Manager/Officers/Clerk of the Bankers of the Accused.

3. Manager/Officers/Clerk of the Bankers of the Complainant.

**LIST OF DOCUMENTS**

1. Copy of the Special Power of Attorney.

2. Original returned cheque with Bank memos debit advices and returning memos.

3. Copy of notice the letter dated………………..with postal receipt UPC and AD cards.