

IN THE COURT OF [JUDICIAL MAGISTRATE FIRST CLASS], [PLACE]

Complaint No. ____ of 20__

MEMO OF PARTIES

[NAME OF COMPLAINANT / FIRM through authorised signatory], [S/o / D/o / W/o]
[NAME OF FATHER / HUSBAND], aged about [____] years, resident of [FULL ADDRESS
WITH PIN CODE]... Complainant

[NAME OF ACCUSED], [S/o / D/o / W/o] [NAME OF FATHER / HUSBAND], aged
about [____] years, resident of [FULL ADDRESS WITH PIN CODE]... Accused

**COMPLAINT UNDER SECTION 138 READ WITH SECTION 142 OF THE
NEGOTIABLE INSTRUMENTS ACT, 1881**

Respectfully sheweth:

1. That the complainant and the accused are known to each other [STATE
RELATIONSHIP / BUSINESS DEALINGS].
2. That the accused owed a legally enforceable debt / liability of ₹[AMOUNT] to the
complainant on account of [LOAN / SALE OF GOODS / SERVICES / OTHER — brief
facts].
3. That in discharge of the said liability, the accused issued cheque No. [____] dated [DATE]
for ₹[AMOUNT], drawn on [BANK, BRANCH] (Annexure C-1).
4. That the complainant presented the cheque within its validity through [his / its] bank,
[BANK, BRANCH], on [DATE]. The cheque was returned unpaid with the remark
"[FUNDS INSUFFICIENT / EXCEEDS ARRANGEMENT / ACCOUNT CLOSED /
PAYMENT STOPPED / OTHER]" vide return memo dated [DATE] (Annexure C-2).
5. That within thirty days of receiving information of dishonour, the complainant served a
legal notice dated [DATE] on the accused by [REGISTERED / SPEED POST /
COURIER / EMAIL / WHATSAPP] (Annexure C-3), demanding payment of the cheque
amount. The postal receipts and tracking report are Annexures C-4 and C-5. The notice
was [delivered on ____ / returned with the report ____, which amounts to deemed service].
6. That the accused failed to pay the cheque amount within fifteen days of receipt of the
notice, and has thereby committed an offence punishable under Section 138 of the
Negotiable Instruments Act, 1881.
7. That the cause of action arose on [DATE], on expiry of fifteen days from receipt of the
notice, and this complaint is filed within one month therefrom, as required by Section
142(1)(b) of the Act.
8. That this Court has jurisdiction under Section 142(2) of the Act, as the cheque was
delivered for collection through the complainant's account maintained at [BANK,
BRANCH], which is within the territorial jurisdiction of this Court.
9. [If the accused is a company / firm: That accused No. ____ is the company / firm, and
accused Nos. ____ to ____ were in charge of and responsible for the conduct of its business at
the relevant time, and are liable under Section 141 of the Act.]

10. That the debt arose from [transaction], on [date], for consideration of ₹[], proved by [agreement / invoices / bank transfer / ledger]. The sum legally due at presentation, after every payment or credit, was ₹[]. Any repayment between issuance and presentation is disclosed as [particulars].
11. That the cheque was issued by [drawer] on an account maintained by [individual / company]. Its signature is [admitted / disputed / to be proved]. Where Section 141 is invoked, the company is arraigned and the specific responsibility of each accused at the relevant time is [facts]; designation alone is not relied on.
12. That the cheque dated [] was presented on [] within its validity; the bank's dishonour information was received on []; the written demand for the cheque amount was issued on [] within thirty days. The notice, dispatch receipt, tracking and returned envelope are annexed as [].
13. That receipt or legally sustainable deemed service occurred on [date and supporting facts]. Fifteen days expired on []; no payment of the cheque amount was received within that period; cause of action arose on []; this complaint is filed on [] within one month thereafter. [If late: state the delay and file a supported condonation application under Section 142(1)(b).]
14. That territorial jurisdiction under Section 142(2) rests on [branch where the payee maintains the account, for collection through an account / drawer's drawee branch if presented otherwise], namely [branch and address], supported by [bank record].
15. That the complainant is [payee / holder in due course], appearing personally or through [authorised representative]. The authorisation and representative's knowledge of the transaction are [particulars]. Originals and the applicable electronic-record certificate are available as listed in [document index].
16. That [OPTIONAL: retain only after verifying the cited rule and these facts] the drawer's signature/execution is established by [admission or evidence]. The Section 139 presumption considered in Rangappa supports the pleaded debt; the alleged rebuttal [identify defence] is answered by [transaction record and fact]. The statutory notice, service and limitation requirements are independently established as pleaded.

PRAYER

It is, therefore, respectfully prayed that the accused may kindly be summoned, tried and punished in accordance with law for the offence under Section 138 of the Negotiable Instruments Act, 1881, and the accused may be directed to pay suitable compensation to the complainant [under Section 395 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 357 CrPC)].

Place: [PLACE] Date: [DATE]

COMPLAINANT Through [NAME OF ADVOCATE] Advocate Enrolment No. []

LIST OF WITNESSES

1. Complainant [/ authorised representative].
2. Official of [BANK, BRANCH] with summoned record, if required.
3. Any other witness with the permission of the Court.

VERIFICATION

Verified at [PLACE] on [DATE] that the contents of paragraphs 1 to [] of the above complaint are true and correct to my knowledge, the contents of paragraphs [] to [] are based on information received and legal advice, which I believe to be true, and the last paragraph is the prayer to this Hon'ble Court. No part of it is false and nothing material has been concealed therefrom.

COMPLAINANT

Note: Evidence may be given on affidavit under Section 145 of the Act. An application for interim compensation under Section 143A may be filed separately.

IN THE COURT OF [JUDICIAL MAGISTRATE FIRST CLASS], [PLACE]

Complaint No. ____ of 20__

[NAME OF COMPLAINANT]... Complainant

Versus

[NAME OF ACCUSED]... Accused

AFFIDAVIT

Affidavit of [NAME OF DEPONENT], [S/o / D/o / W/o] [NAME], aged about [____] years,
resident of [FULL ADDRESS WITH PIN CODE].

I, the above-named deponent, do hereby solemnly affirm and declare as under:

1. That the deponent is competent to swear this affidavit and the accompanying [suit / petition / application] has been drafted by counsel on the deponent's instructions. Its contents have been read over and explained in [LANGUAGE], understood by the deponent, and are incorporated as part and parcel of this affidavit; the factual statements are true to the deponent's knowledge or identified records, and legal submissions are based on advice believed to be true.
2. That [no same or similar suit / petition / application on the same cause of action has been filed / the following prior or pending proceedings, outcomes and orders are fully disclosed: ____]. Nothing material has been concealed.

DEPONENT

VERIFICATION

Verified at [PLACE] on [DATE] that paragraphs 1 and 2 above are true and correct to my knowledge and identified records, with legal submissions based on advice believed true. Nothing material has been concealed.

DEPONENT

Note: To be sworn before an Oath Commissioner / Notary Public and stamped as required by the applicable rules.

PREPARATION AND JUDGMENT APPLICATION

Updated 11 October 2026. Complete every material fact, retain only supported alternatives, and renumber before filing. These notes support professional adaptation; they do not supply missing evidence or guarantee relief.

Filing and relief checks. Prepare a dated statutory timeline; preserve original cheque, memo and notice proof. Seek cognizance, lawful process and compensation as appropriate; conviction is a final relief after proof. Address any alleged repayment, financial-capacity challenge or disputed signature.

Fact-specific authority. Rangappa v. Sri Mohan, (2010) 11 SCC 441; judgment dated 7 May 2010, discussion on Section 139. Once the foundational signature/execution facts are established, the debt presumption assists the complainant. It remains rebuttable; support the transaction and address any probable defence. Read the judgment

Source: <https://indiankanoon.org/doc/150051/>

Before relying on any authority, compare the material facts, procedural stage, statutory version and precise relief; check subsequent treatment and applicable local practice. Keep the authority note separate from the signed pleading. For criminal procedure, determine Section 531 BNSS savings rather than select the code solely from the alleged offence date.