



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : Crl. Pet./1/2024

HDFC BANK LTD, DIMAPUR BRANCH
REPRESENTED BY THE BRANCH MANAGER SRI SANJAY BANIK, CITY TOWER
BUILDING, CIRCULAR ROAD, DIMAPUR-797112

VERSUS

MR. INOTO NAWANG KHULU AND 2 ORS
S/O MR. H.K KHULU
R/O H.NO. 305, LAKE VIEW, JORAPUKHRI, PURANA BAZAR, DIMAPUR-797116
2:MR. T MICHAEL YIMCHUNGER
R/O CHEKIYE VILLAGE
MAIN GATE
NEAR CHEKIYE BAZAR
CHUMOUKEDIMA- NAGALAND

3:MRS. EASTER N. THAPA
W/O MR T MICHAEL YIMCHUNGER
R/O CHEKIYE VILLAG

Advocate for the Petitioner : SENTILONG

Advocate for the Respondent : KITOKA SUMI

**BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

ORDER

Date : 23-02-2024

Learned counsel for the petitioner Mr. Sentilong is present. Learned counsel Mr. Kitoka Sumi is present for respondent No. 1. Respondent Nos. 2 and

3 are not represented.

It is submitted by the learned counsel for respondent No. 1 that he has submitted his Vakalatnama and he has no grievance as a complainant against the petitioner. The respondent No. 1 has initiated a case against the petitioner and the respondent Nos. 2 and 3 are accused in Case No. C.R. 21 of 2023 relating to dishonour of cheques issued by the respondent Nos. 2 and 3.

I have considered the submissions at the Bar. The learned counsel for respondent No. 1 has submitted that he has no grievance against the petitioner. The case is initiated primarily against the respondent Nos. 2 and 3 who have issued the Cheque No. 033161 and 033162 dated 05.09.2023 and Cheque No. 245811 dated 25.10.2023 which were presented by the respondent No. 1 and all the cheques were dishonoured. He has no objection if this case and proceeding against the petitioner is set aside and quashed and as he is not willing to proceed against the petitioner as the complainant/respondent No. 1 herein has no grievance against the petitioner.

I have considered the submissions at the Bar with circumspection.

Further proceeding against the petitioner will indeed an abuse of the process of the Court. There is no possibility that the petitioner may be convicted.

I have considered the submission that the petitioner represented by the Branch Manager is not held responsible for the dishonoured cheques mentioned above.

In view of my foregoing discussions, further proceedings of C.R. Case No. 21/2023, so far as the petitioner is concerned is set aside and quashed.

Interim order dated 23.01.2024 is hereby vacated.

In terms of the above observation, petition is disposed of.

Sd/-

JUDGE

Comparing Assistant