

Sr.No.210

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

COCP-877-2014(O&M)

Decided on: **01.12.2015**

Navdeep SharmaPetitioner

vs.

Naresh Sanghi and anotherRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. Anmol Rattan Singh Sidhu, Sr. Advocate
with Mr. Animesh Sharma and
Mr. Manhar S.Saini, Advocates for the petitioner.
Mr.Munish Gupta, Advocate
for respondents no.1 and 2.

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Mahesh Grover, J

The order, the violation of which has been alleged by the petitioner talks about a restraint upon the respondents to pursue their complaints under Section 138 of the Negotiable Instruments Act but also restricts it to four cheques which were in question before the Court.

The respondents state that in so far as the four cheques in question are concerned, they have not pursued their remedy but the complaint has been filed pertaining to a cheque dated 01.02.2012 which even though was before the Court which passed the order, the non compliance of which has been alleged but was not made the subject matter of the order eventually passed.

On due consideration of the matter, I am of the view that filing of a separate complaint by the respondent may not strictly come within the ambit of the Contempt of Courts Act as prayed for by the petitioner. Since the order dated 11.05.2012 passed by this Court in CRR-2848-2011 talks only of four cheques the restraint upon the respondents to pursue complaints under Section 138 of the Negotiable Instruments Act would relate to them only.

If the respondents have a right to file a complaint qua the 5th cheque which was not the subject matter of the criminal revision before this Court then it cannot in the

strict sense of the word amount to violation of the order passed by this Court.

Contempt petition is therefore, disposed of leaving the petitioner to his remedies in law, to take up pleas that he has taken before this Court as defence before the learned trial Court or to take recourse to any other remedy that may be available to him under the law.

01.12.2015

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(MAHESH GROVER)

JUDGE