

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-17472 of 2015

Date of Decision: September 18, 2015

M/s A & A Enterprises

.....Petitioner

Vs.

M/s Monu Garments

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.R.K. Shukla, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

The petitioner is an accused in a case which was originally filed by respondent in the Court of Judicial Magistrate Ist Class, Nagpur. In view of the judgment of Supreme Court in **Dashrath Rupsingh Rathod Vs. State of Maharashtra**, 2014 STPL (Web) 499 SC (Criminal Appeal No. 2287 of 2009) it was refilled before the Court of Judicial Magistrate at Patiala. In view of the amendment of Section 142 (2) of the Negotiable Instruments Act, for short 'the Act', the complaint was required to be retransferred to the Court at Nagpur.

The petition had been filed by the petitioner-accused for quashing of the proceedings under Section 138 of the Act after having been transferred from Nagpur.

A report was called from the Judicial Magistrate, Patiala. It has been reported that the Presiding Officer shall re-transfer the complaint as per provisions of Section 142 (2) of the Act on August 14, 2015.

Learned counsel for the petitioner is not aware of the proceedings dated August 214, 2015. It is not out of place to observe here that the counsel for the petitioner has submitted that the petitioner being a business concern is ready to amicably settle the matter as per the judgment of **Damodar S. Prabhu Vs. Syed Babalal H.**, 2010 (2) RCR (CrI.) 851, by moving an application before the trial Court.

In view of the above said circumstances, I do not deem it appropriate to issue any direction or to entertain the application. This petition is disposed of being not maintainable with liberty to the petitioner to appear before the trial Court in person or through duly authorized person with the offer of payment of the amount which is subject matter of the complaint and settle the controversy in accordance with law.

September 18, 2015
sanjay

(M.M.S.BEDI)
JUDGE