

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21318-2013

Date of decision: 22.07.2015

The Hisar Gramin Kshetriya Bank Employee Co-operative Society

..... Petitioner

Versus

Harikesh

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. SS Walia, Advocate for the petitioner.

R.P. NAGRATH, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of order dated 17.02.2012 (Annexure P-6) passed by the learned Judicial Magistrate Ist Class, Hisar whereby the complaint filed by the petitioner-Society under Section 138 of the Negotiable Instruments Act (for short 'the Act') was dismissed for want of prosecution and respondent was discharged.

I have heard learned counsel for the petitioner and carefully perused the paper-book.

The dismissal of complaint for offence under Section 138 of the Act for non-prosecution, amounts to acquittal of accused person for which appeal is maintainable.

Learned counsel for the petitioner submits that the instant petition may be disposed of with liberty to the petitioner to file an appeal against the impugned order and to press the prayer under Section 5 of the Limitation Act for condonation of delay of the period during which the instant petition remained pending.

Ordered accordingly.

July 22, 2015

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**(R.P. NAGRATH)
JUDGE**