

**249 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.2380 of 2016

Date of decision: August 31, 2016

Rahul Langer

....Petitioner

Versus

M/s Ramprastha Promoters & Developers Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashok Tyagi, Advocate
 for the petitioner.

None for the respondent.

JASPAL SINGH, J.(ORAL)

By virtue of this instant petition under Section 482 Cr.P.C., petitioner has sought the quashing of the Complaint No.4794 of 2015 dated 03.09.2015, under Section 138 of Negotiable Instruments Act and Sections 406 and 420 of Indian Penal Code as well as order dated 13.10.2015 passed by Id. Judicial Magistrate Ist Class, Gurgaon whereby petitioner has been summoned to face trial and all consequential proceedings arising therefrom.

At the time of issuance of notice of motion, following order was passed by this Court on January 22, 2016:-

“Learned counsel for the petitioner inter alia contends that no doubt cheque bearing No.038751, dated June 14, 2015, was dishonoured and due to the said reason, a legal notice was received by the petitioner on July 25, 2015, which is alleged to have been issued by complainant-respondent on July 18, 2015. But on July 30, 2015, fresh cheque bearing No.000002 for the same amount of ₹ 15 lacs was issued by the petitioner to the respondent-company, which was received by the complainant-respondent on August 05, 2015 i.e. within a period of 15 days from the date of receipt of legal notice. Though, necessary information has already been sent to the complainant-respondent by

way of e-mails but the same is not being responded. Subsequently, entire amount of ₹ 15 lacs against cheque No. 038751 dated 14.06.2015 has already been transferred in the account of complainant-respondent by way of RTGS.

Notice of motion to the respondents for 07.04.2016.

Notice re: stay also”.

Though the respondent has been duly served but despite that fact there is no response/representation on behalf of the respondent/complainant. Even today, none has opted to appear.

On glance at the order dated January 22, 2016, it is evident that after deposit of the amount of cheque in question bearing No.038751 dated June 14, 2015 by way of RTGS in the account of the complainant-respondent, no cause of action survives and as such, Complaint No.4794 of 2015 dated 03.09.2015, under Section 138 of Negotiable Instruments Act and Sections 406 and 420 of Indian Penal Code as well as impugned order dated 13.10.2015 passed by Id. Judicial Magistrate Ist Class, Gurgaon and subsequent proceedings are not sustainable.

In the light of what has been discussed above, petition is accepted and Complaint No.4794 of 2015 dated 03.09.2015, under Section 138 of Negotiable Instruments Act and Sections 406 and 420 of Indian Penal Code as well as order dated 13.10.2015 passed by Id. Judicial Magistrate Ist Class, Gurgaon and all the consequential proceedings are quashed.

August 31, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No