

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

**CRM-M No.31009 of 2016 (O&M)
Date of Decision: 14.02.2017**

Vikas Goyal

.... Petitioner

Versus

M/s Balaji Prelame Private Limited

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Neeraj Madan, Advocate for
Mr. A. D. S. Sukhija, Advocate
for the petitioner.

Ms. Prabha Sharma, Advocate for
Ms. Kiran Bala Jain, Advocate
for the respondent.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Dheeraj Jain, Sr. Standing Counsel, Govt. of India-UOI.

Mr. Manpreet Singh, Advocate with
Mr. Neeraj Khanna, Advocate and
Mr. Deepak Suri, Advocate for RBI.

DEEPAK SIBAL J. (ORAL)

Through this petition filed under Section 482 Cr.P.C., the petitioner seeks quashing of complaint No.647/13.04.2015/16.05.2015 filed under Section 138 of the Negotiable Instruments Act, 1881 and all consequential proceedings arising therefrom.

As recorded in the order of this Court dated February 01, 2017, the contesting parties having amicably settled the dispute, had filed application(s) before the trial Court for disposal of the matter in accordance with law. Enabling the trial Court to pass effective orders on the application(s) filed by the contesting parties in pursuance to the settlement arrived at between them, the order dated 03.10.2016 of this Court granting ad-interim stay was ordered to be vacated.

Learned counsel for the petitioner as also the contesting respondent are not aware whether the trial Court has passed effective orders on the basis of the aforesaid settlement arrived at between them. In case, no such orders have been passed till date, the trial Court is directed to consider and decide the application(s) filed by the contesting parties before the trial Court on the basis of settlement arrived at between them. The decision be taken within four weeks from today.

There was yet another aspect of the matter. As per the circulars issued by the RBI, the period of validity of the cheque which earlier was 06 months was reduced to 03 months. Since no corresponding amendment of Clause A to the proviso to Section 138 of the Negotiable Instruments Act, 1881 (for short 'the Act') had been made, this Court had requested the authorities to take effective steps in pursuance thereof.

Clause (A) to the proviso of Section 138 of the Act is reproduced below for ready reference:-

“(a) the cheque has been presented to the Bank within a period of six months from the date on which it is drawn or within the period of its validity, whichever is earlier.”*

On request made by this Court, Sh. Satya Pal Jain, Additional Solicitor General of India has appeared and submits that in view of the clear provisions of Clause A to the proviso of Section 138 of the Act, no such amendment is warranted. He further submits that as per the above quoted provision, the cheque has to be presented to the Bank within a period of 06 months from the date on which it is drawn or within the period of its validity whichever is earlier.

That being so, if now the validity of the cheque is being reduced from 06 months to 03 months for an application of Section 138 of the Act, the same has to be presented within 03 months from the date of its issue.

In view of the above, no further orders need to be passed.

The petition stands disposed of, accordingly.

February 14, 2017
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No