

248 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40146-2014
Date of decision-14.02.2017

Freedom Traders
Vs.
Deepak Joshi

...Petitioner
...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. B.D.Sharma, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 482 of the Criminal Procedure Code has been filed for quashing of the impugned order dated 01.09.2014 (Annexure P-1) passed in complaint No. NACT-5442 dated 09.05.2014 titled as "Freedom Traders Vs. Deepak Doshi" vide which the above stated complaint under Section 138 of the Negotiable Instruments Act has been returned by the Court of Judicial Magistrate First Class, Amritsar.

The complaint filed by the petitioner was returned by learned Court of Judicial Magistrate First Class, Amritsar for want of jurisdiction. The learned counsel for the petitioner states that in view of the judgment titled as "*Dashrath Rup Singh Rathod Vs. State of Maharashtra & another*", 2014 (3) Law Herald 2697 (SC), now complaint is maintainable.

Learned counsel seeks to withdraw the present petition with liberty to avail any other alternate remedy available to him under law.

Considering the fact that the original complaint was filed within time, in case the complaint is revived or fresh complaint is filed on the same cause of action, the Court will not press the issue of delay against the

complainant.

Consequently, the present petition stands disposed of.

(JITENDRA CHAUHAN)
JUDGE

February 14, 2017
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No