

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

CRR No.1481 of 2017

Date of decision: October 03, 2017

Ajit Singh

....Petitioner

Versus

Loveleen Kaur

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. G.S. Nagra, Advocate
for the petitioner.

SHEKHER DHAWAN, J.(ORAL)

Complaint under Section 138 of the Negotiable Instruments Act, 1881 (for short ' the Act' only) filed by complainant - Ajit Singh against accused – Loveleen Kaur was dismissed by Trial Magistrate vide judgment dated 01.02.2011 for the reason that service of notice dated 05.04.2006 was not proved to have been effected upon the accused, since notice in question has been returned to the complainant with the report not claimed.

The second ground for dismissal of the complaint was that the accused had offered the cheque amount to the complainant which was not accepted by the complainant.

The defence put forward by the accused was found to be probable. The complainant challenged that judgment by way of filing appeal but was unsuccessful there, since the appeal was dismissed vide detailed judgment dated 17.01.2017, thereafter the complainant has filed the instant revision petition.

Learned counsel for the petitioner has stated that a civil suit filed by the petitioner - plaintiff against the accused - defendant has been decreed and the outstanding dues have been deposited in the Court by the accused - defendant.

Having heard learned counsel for the petitioner, besides going through the record, this Court is of the considered view that learned Trial Magistrate dismissed the complaint on the ground that there was no service of notice before filing of complaint under Section 138 of the Act. More so, the amount was offered by the accused persons and the same was not accepted by the complainant and a civil suit was filed. The said civil suit has also been decreed and the amount stands deposited in the Court vide challan Ex.D5. On the same grounds revision petition was also dismissed by learned Additional Sessions Judge, Roopnagar vide judgment dated 17th January, 2017. Both the Courts below have already considered and appreciated the entire matter in controversy and there is no illegality calling for acceptance of the present revision petition.

The revision petition stands dismissed.

October 03, 2017
m. sharma

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No