

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24888-2012 (O&M)

Date of decision: 24.04.2018

Suneet Goel and another

....Petitioners

Versus

Harpreet Kaur

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Munish Jolly, Advocate for the petitioners.

Mr. Vishal Sharma, Advocate for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for quashing of criminal complaint No.40 of 2012 titled as Harpreet Kaur Vs. Hopkins Education and Visa Solution Pvt. Ltd. and another (Annexure P-1) under Section 138 of the Negotiable Instruments Act (for short 'N.I. Act'), summoning order dated 05.08.2011 (Annexure P-2) as well as for setting aside the order dated 02.06.2012 (Annexure P-2) passed by the trial Court, vide which the trial Court has refused to drop the proceedings against the petitioners and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that the cheque in dispute was issued for a sum of Rs.50,000/- and the said amount has already been paid by the petitioners within a period of 10 days from the date of appearance before the trial Court. Counsel for the petitioners further submits that the petitioners have moved an application before the trial Court

immediately for dropping the proceedings, however, vide order dated 02.06.2012 (Annexure P-3), the trial Court has dismissed the same.

Learned counsel for the respondent-complainant has not disputed the fact that the cheque amount of Rs.50,000/- has already been paid to the complainant vide demand draft dated 09.05.2011 (Annexure P-5), however, it is submitted that certain other settlements of account are pending against the petitioners.

Learned counsel for the respondent-complainant could not raise any plausible arguments to show that in a complaint filed under Section 138 of N.I. Act, the complainant can claim an amount more than the cheque amount, which, according to the complainant, stands paid by the petitioners immediately after appearance before the trial Court.

Since learned counsel for the respondent has not disputed that cheque amount stands paid to the respondent-complainant, I find no reason to allow prosecution of the petitioners under Section 138 of N.I. Act.

Accordingly, this petition is allowed and criminal complaint No.40 of 2012 titled as Harpreet Kaur Vs. Hopkins Education and Visa Solution Pvt. Ltd. and another (Annexure P-1) under Section 138 of N.I. Act, summoning order dated 05.08.2011 (Annexure P-2) and the order dated 02.06.2012 (Annexure P-2) passed by the trial Court and all the subsequent proceedings arising therefrom are quashed.

[ARVIND SINGH SANGWAN]
JUDGE

24.04.2018
vishnu

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