

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

**Crl. Misc. No.M-23042 of 2017 (O&M)
Date of Decision: July 30, 2018**

Pradeep Kumar Dikshit

.....PETITIONER(s).

VERSUS

Inderjeet Singh

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jai Bhagwan, Advocate
for the petitioner (s).

Mr. Ajit Kumar Sharma, Advocate for
Mr. R.D. Yadav, Advocate
for the respondent.

SURINDER GUPTA, J.(Oral)

This is petition filed under Section 482 Code of Criminal Procedure (for short-Cr.P.C.) for quashing of summoning order dated 03.11.2015; non-bailable warrants issued vide order dated 22.08.2016; initiation of proclamation proceedings vide order dated 17.01.2017 passed by Judicial Magistrate 1st Class, Gurugram and also for quashing of complaint case No.6588 dated 03.11.2015 titled "*Inderjeet Singh Vs. Pradeep Kumar Dikshit*", filed under Section 138 of Negotiable Instruments Act by the respondent-complainant.

Learned counsel for the petitioner submits that the payment of ₹1,55,000/- had been made in the account of complainant-respondent after filing of complaint and has referred to the copy of statement of bank

account of respondent. He submits that these payments were made after the filing of the complaint by the respondent-complainant. Relying on the observations of Hon'ble Apex Court in case of ***M/s Meters and Instruments Private Limited & Anr. Vs. Kanchan Mehta 2017 (3) Apex Court Judgments(SC) 396***, learned counsel for the petitioner submits that where the payment has been made and this fact has been brought to the notice of trial Court, the principle of Section 258 Cr.P.C. will apply and trial Court on satisfaction that cheque amount with assessed costs and interest has been paid, can close the proceedings. In this regard, he has referred to the observations in para 18 of this judgment. In view of above proposition of law, learned counsel for the petitioner seeks permission to withdraw the petition with liberty to raise above plea before the trial court and also to raise the other pleas as taken in this petition.

Dismissed as withdrawn with liberty as prayed for.

July 30, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***