

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-26013-2015

Date of Decision: July 02 , 2018

Anju

.....Petitioner

versus

Rama Gupta

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Sudhir Mittal, J. (Oral)

Criminal complaint No.193 dated 09.09.2013 titled as **Rama Gupta Vs. Mrs. Anju** was filed against the petitioner under section 138 of Negotiable Instruments Act, 1881. As per the complaint, a cheque of Rs.25,621/- dated 25.07.2013 had been dishonoured on presentation and despite notice the said amount had not been paid within the period prescribed by the statute.

2. The submission of learned counsel for the petitioner is that an amount of Rs.50,000/- had been deposited in the account of the respondent by way of NEFT transaction on 07.08.2013 and thus, the liability stood discharged prior to the filing of the complaint. Under these circumstances, the filing of the complaint was an abuse of process of law.

3. A short reply by way of an affidavit of Rama Gupta wife of Sh. Mukesh Chander Gupta has been filed. However, learned counsel for the respondent is not present today. According to the contents of this reply, the receipt

of Rs.50,000/- on 07.08.2013 is admitted. It is however, stated that the petitioner is bound to pay interest @ 24% per annum.

4. Keeping in view the fact that the cheque amount stood paid prior to the filing of the complaint, filing of the complaint is an abuse of process of law and cannot be permitted to continue.

5. Thus, the petition is allowed and the complaint No.193 dated 09.09.2013 titled as **Rama Gupta Vs. Mrs. Anju** under section 138 of Negotiable Instruments Act, 1881 (Annexure P-1), is quashed along with all consequential proceedings.

July 02, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No