

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3431-2016 (O&M)

Date of decision: 25.07.2018

Richa Agrawal

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Vinish Singla, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

Ms. Payel Mehta, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C., the petitioner has prayed for quashing of Complaint Case No. 11 of 2016 dated 04.01.2016 (Annexure P-7) titled as “ALCOI India Pvt. Ltd. Vs. Gaurav Aggarwal and another”, under Section 138 of the Negotiable Instruments Act, pending in the Court of learned Chief Judicial Magistrate, Panchkula and all consequential proceedings arising therefrom.

During the course of arguments, learned counsel for respondent No. 2-complainant submits that in view of law laid down by Hon'ble Supreme Court in **M/s Indus Airways Pvt. Ltd. and others Vs. M/s Magnum Aviation Pvt. Ltd. and another, 2014(2) RCR (Civil) 611**, relied upon by learned counsel for the petitioner, respondent No. 2 may be permitted to exhaust its remedy before the Civil Court.

In view of the above, Complaint Case No. 11 of 2016 dated 04.01.2016 (Annexure P-7) titled as “ALCOI India Pvt. Ltd. Vs. Gaurav Aggarwal and another”, under Section 138 of the Negotiable Instruments Act, pending in the Court of learned Chief Judicial Magistrate, Panchkula and all consequential proceedings arising therefrom, qua the petitioner is quashed with liberty to respondent No. 2-complainant to exhaust its remedy before the Civil Court, in accordance with law.

The instant petition stands disposed of, accordingly.

July 25, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No