

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

CRM-M-4621-2016 (O&M)

Date of decision: 19.12.2018

Gurmeet Singh

.....Petitioner

versus

Ranbir Singh and another

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Gaurav Tyagi, Advocate for
Mr. Prashish Kanwar, Advocate for the petitioner.

Mr. Sandeep Lather, Advocate for the respondents.

Kuldip Singh, J. (Oral)

Present petition has been filed under Section 482 Cr.P.C. for quashing the order dated 12.11.2013 (Annexure P-1), passed by learned Presiding Officer, Evening Court, Kurukshetra, whereby complaint under Section 138 and 142 of Negotiable Instrument Act was dismissed in default.

Mr. Sandeep Lather, Advocate has put in appearance on behalf of the respondents.

Both the parties have been heard.

A complaint under Section 138 and 142 of Negotiable Instruments Act, filed by the petitioner was fixed for recording of statement of the accused under Section 313 Cr.P.C. The same was pending before the Presiding Officer, Evening Court, Kurukshetra. Since the complainant did

not appear, it was dismissed in default vide order dated 12.11.2013 (Annexure P-1), passed by Presiding Officer, Evening Court, Kurukshetra.

I am of the view that the complainant has already led his evidence and the case is mature. Therefore, for one default, complaint should not have been dismissed in default. It being so, impugned order dated 12.11.2013 (Annexure P-1), passed by learned Presiding Officer, Evening Court, Kurukshetra, is set aside and the same is ordered to be decided on merit.

Petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

19.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No