

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

CRM-M-47493 of 2018 (O&M)
Decided on:-October 26, 2018.

Dr. Ram Murti Markanday.

.....Petitioner.

Versus

State Bank of Patiala (now State Bank of India) and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Arav Gupta, Advocate for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of the order dated 08.10.2018 (Annexure P-4) passed by learned Judicial Magistrate 1st Class, Ambala, whereby the petitioner has been declared as a proclaimed person and intimation has been sent to the SHO so as to register an FIR under Section 174-A IPC against the petitioner under intimation to the Court.

Learned counsel for the petitioner states that though the petitioner was not served in the case, but at the same time, he is ready to clear the outstanding loan amount as availed by him from the respondent No.1-bank within a period of one month from today. He has further submitted that the petitioner had availed a loan of Rs.5.85 lakh on 18.02.2016 and the petitioner has already paid an amount of Rs.3.24 lakh to the respondent-bank.

Learned counsel for the petitioner has produced a photocopy of the bank draft for an amount of Rs.1.5 lakh in the name of respondent No.1-bank towards the outstanding amount. He further states that the petitioner

shall submit the bank draft before the trial Court on the date directed by this Court.

The respondent No.1-bank had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner and such complaints are required to be decided summarily, but at the same time, taking into consideration the fact that the petitioner has shown his inclination that he is ready to pay the outstanding amount to the complainant-bank within a period of one month from today in terms of the agreement so executed between the petitioner and the bank, the present petition is disposed of with a direction that in case the petitioner surrenders before the trial Court within a week from today, the trial Court shall admit him on bail subject to his furnishing bail bonds and surety bonds to its satisfaction. The petitioner shall produce the bank draft before the trial Court and shall also furnish an undertaking to pay the outstanding amount within one month from the date of such appearance.

In case the FIR under Section 174-A IPC has not been registered against the petitioner, the same shall not be registered.

The present petition has been disposed of without issuing notice to the respondent-bank as no prejudice would be caused to the respondent-bank and to avoid further delay in the proceedings.

October 26, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No