

CRM-M-48760 of 2018

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

CRM-M-48760 of 2018
Date of decision: 02.11.2018

Basant

.....Petitioner

versus

Sh. Jai Parkash and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Saurabh Dalal Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing complaint (Annexure P-1), order dated 07.10.2015 (Annexure P-2) and summoning order dated 20.10.2015 (Annexure P-3) of the learned Judicial Magistrate Ist Class, Rohtak.

In nutshell, respondent No.1 filed a complaint under Section 138 read with Sections 141/142 of the Negotiable Instruments Act, 1881 against petitioner and respondents No.2 and 3. During the pendency of the same, respondent No.1 moved an application for condonation of delay in filing his complaint, which has been condoned vide impugned order dated 07.10.2015 (Annexure P-2).

Learned counsel for the petitioner *inter alia* contends that the trial Court has committed grave error in allowing the application of respondent No.1 for condonation of delay without hearing the petitioner. Complaint of respondent No.1 being beyond limitation, is liable to be dismissed, resultantly the summoning order also therein.

Having given anxious consideration to the submissions made

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by learned counsel for the petitioner, this Court finds the instant petition completely devoid of any merit for the reasons to follow.

The Courts are meant to impart justice and not to non-suit a litigant on technical grounds. In the instant case, complaint by respondent No.1 was filed around after a delay of 60 days, which has been condoned by the trial Court vide impugned order (Annexure P-2). Learned counsel for the petitioner has miserably failed to show that what prejudice has been caused to the petitioner by condoning the delay in filing complaint by respondent No.1. Petitioner has filed the instant petition with dis-honest and *mala fide* intention just to usurp the cheque amount, which he must have issued to respondent No.1 by getting dismissed the complaint of respondent No.1 on technical grounds.

In view of above, petition is dismissed.

(Ramendra Jain)
Judge

November 02, 2018
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No.