

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

**CRM-M-7255-2018
Date of decision:-22.2.2018**

Gopal Krishan

...Petitioner

Versus

M/s Krishna Textiles

...Respondent

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Parminder Singh, Advocate
for the petitioner.

H.S. MADAAN, J.

By way of filing the present petition under Section 482 Cr.P.C., the petitioner – Gopal Krishan seeks setting aside of complaint No.410 dated 17.2.2017, summoning order dated 18.2.2017 and order dated 15.1.2018.

I have heard learned counsel for the petitioner besides going through the record.

After going through the impugned complaint dated 17.2.2017, summoning order dated 18.2.2017 and other order under challenge dated 15.1.2018 declaring the petitioner as proclaimed person and I do not find any wrong with the same.

Coming to the criminal complaint filed by M/s Krishna

Textiles Versus M/s Friends Associates through its Proprietor, authorised signatory Sh.Gopal Krishan and Sh.Gopal Krishan, it is as regards cheque bearing No.000112 dated 29.12.2016 towards payment of mink blankets purchased by the accused from the complainant. On presentation, the cheque was dishonoured due to insufficiency of funds in the account of accused. Thereafter, the complainant got served a legal notice dated 23.1.2017 through his counsel calling upon the accused to make the payment within 15 days from the date of receipt of the notice but the accused did not make the payment, as such the complainant had filed a complaint under Section 138/142 of Negotiable Instruments Act before Judicial Magistrate Ist Class, Panipat. I do not find anything wrong with the complaint, which might have called for the same being quashed.

As a matter of fact vide order dated 18.2.2017 after filing of that complaint and leading of preliminary evidence, accused has been summoned. Therefore, no ground to quash the summoning order is made out.

Coming to the order dated 15.1.2018 declaring the accused as proclaimed person that had been done after the trial Magistrate failed to procure the appearance of accused despite issuance of warrants of arrest and when accused had failed to put in appearance within 30 days of publication of proclamation, statement of executing official had been recorded and then accused was declared as proclaimed person. A copy of order was sent to SHO, P.S. City, Panipat for information, registration of FIR under Section 174-A IPC. No fault can be found with such order.

No interference by this Court with the impugned complaint

and impugned orders is called for while exercising inherent powers under Section 482 Cr.P.C.

The petition being without merit stands dismissed accordingly.

22.2.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No