

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1790-2019

Date of Decision: 05.12.2019

Satish

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

Mr. Surender Singh, A.A.G., Haryana.

None for respondent no. 2.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner submits that the entire money having been paid to the complainant-Bank as regards the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, there would be no reason for the petitioner to be penalized qua the proceedings under Section 174-A of the IPC.

It is seen that the Manager of the respondent-Bank having been impleaded as respondent no. 2, he had been duly represented by Ms. Niharika Goyal, Advocate, appearing for Mr. Paras Money Goyal, Advocate, up-till 24.07.2019.

Thereafter, neither on the last date of hearing, nor today, has counsel for the respondent appeared.

That being so and with no reply having been filed by respondent no. 2 despite counsel having sought time to do that twice, the inference that would be taken is that what learned counsel for the petitioner has submitted, to the effect

that the money has been paid to the respondent-Bank, as recorded before the learned trial Court, and therefore the authenticity of the orders passed by the learned trial Court on 12.12.2017 (Annexures P-7 and P-8), is not being disputed (which otherwise are shown to be photocopies of the certified copies of the orders).

Consequently, that being so, the petition is allowed, with the proceedings under Section 174-A of the IPC, as had been instituted in connection with the complaint filed under Section 138 of the Negotiable Instruments Act, 1881, by the respondent-Bank, are hereby quashed.

December 05, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.