

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26525-2017 (O&M)

Date of decision : 22.08.2019

M/s ABW Infrastructure Ltd. and another

...Petitioners

Versus

Rajesh Chandra Sharma

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Singh, Advocate for the petitioners.

Mr. Kunal Dawar, Advocate for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Quashing of complaint filed under Section 138 of the Negotiable Instruments Act has been sought on the ground that bank account of the petitioner-company was freezed by the Central Bureau of Investigation and, therefore, dishonour of the cheque is not intentional.

The dishonouring of cheque on presentation is itself not an offence. The drawer of the cheque is granted another opportunity to pay the amount once notice of demand is issued. In the present case, notice demanding amount was issued after the cheque was dishonoured. Petitioner-company had opportunity to pay the amount on receipt of notice within statutory period i.e. 15 days as provided under Clause (c) of proviso of Section 138 of the Negotiable Instruments Act.

In view thereof, no ground is made out to quash criminal complaint and proceedings arising therefrom.

Accordingly, the present petition is dismissed.

Learned trial Court would decide the case independently without being influenced by the observations made by this Court.

22.08.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

**Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**