

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 29936 of 2019
Date of Decision: 19.10.2019**

Arvinder Kaur Brar

.....Petitioner

Versus

Satish Kumar Gupta

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

HARNARESH SINGH GILL, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. seeking quashing of complaint No. 4245/2015 dated 3.9.2015 titled 'Satish Kumar Gupta versus M/s Zanders Engineers Ltd. and another' under Section 138 of the Negotiable Instruments Act, 1881 (Annexure P-1) and all the consequential proceedings arising therefrom as the cheque amount has been paid along with interest by the petitioner.

On 18.7.2019, following order was passed by this Court:-

“Present petition under Section 482 Cr.P.C. for quashing of complaint bearing No. 4245 dated 03.09.2015 titled as “Satish Kumar Gupta v. M/s Zanders Engineers Ltd. & Another” under Section 138 of the Negotiable Instruments Act, 1881.

Learned counsel for the petitioner contended that the total amount due towards the petitioner, on the basis of three cheques for an amount of Rs. 1,00,000/- each, is Rs. 3,00,000/- and the date of issuance of cheques was of the year 2014 onwards. By now, petitioner has already made

payment of Rs. 9,50,000/- through RTGS to the complainant against receipt and he has documentary evidence on that point. But learned counsel has fairly conceded that the said documents have not been produced before the learned trial Court as yet.

In view of above, let petitioner move an application before the learned trial Court where the case is reportedly at the stage of recording the evidence of complainant and the learned trial Judge is directed to decide the same taking into consideration the fact that if the total cheque amount along with interest has already been paid to the complainant. The next date fixed in the said case before the learned trial Court is 22.07.2019.

List on 03.09.2019.”

In compliance of the above order, the petitioner has moved the application before the Trial Court. Vide order dated 16.10.2019, the said application was allowed and the complaint in question was dismissed and the petitioner-accused has been discharged. Copy of the order dated 16.10.2019 has been placed on record.

In view of the above, the present petition has become infructuous and is disposed of as such.

(HARNARESH SINGH GILL)
JUDGE

October 19, 2019
Gurpreet

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