

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30090 of 2019

DATE OF DECISION: JULY 17, 2019

LIBERTY SHOES LIMITED

...PETITIONER

VERSUS

M/S YUVRAJ ENTERPRISES AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. RAMNISH PURI, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing of orders dated 3.6.2019 (Annexure P-11) passed by the trial Court whereby it has proceeded to dismiss the complaint brought by the petitioner under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881 on the ground of non-compliance of the order of furnishing correct address of the accused.

A perusal of the orders dated 3.6.2019 makes it clear that on the said date two orders were passed by the trial Court. The first order was passed in the first session of the Court proceedings when the Court afforded last opportunity to the complainant to furnish correct address of the accused alongwith the copy of the complaint, speed post charges, etc. after lunch.

The matter was taken up at 2.00 p.m. in the post-lunch session and on the ground of non-compliance of order, the complaint was dismissed for want of prosecution. The orders apparently are passed in haste without affording any reasonable time to the complainant to furnish correct address.

Learned counsel for the petitioner has placed on record the previous *zimini* orders passed in the case wherein no such direction for furnishing correct address was given by the Court.

Resultantly, the petition is allowed and both the orders dated 3.6.2019, passed by the trial Court are set aside. The complaint is restored to its original number. The complainant is directed to appear before the Court on 8.8.2019 and the trial Court is directed to proceed with the case in accordance with law.

July 17, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No