

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

207) Crl. Misc. No.M-44167 of 2019(O&M)
Date of Decision: 18.12.2019

Meenakshi

.....Petitioner

Versus

Ramesh Chand and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. U.K. Agnihotri, Advocate,
for the petitioner.

Mr.Surinder Singh, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

By this petition, quashing of the impugned order dated
16.10.2018 (Annexure P-1) is sought.

Pursuant to the order of this Court dated 28.11.2019, a certified
copy of an order passed by the Judicial Magistrate Ist Class, Naraingarh, on
06.12.2019, has been produced in Court by learned counsel for the
petitioner, observing therein that the petitioner had surrendered before that
Court and pursuant to the aforesaid order of this Court a compensation of
Rs 10,000/- had been paid to the complainant and that the petitioner has
been admitted to bail to the satisfaction of that Court.

The next date of hearing before that court is shown to be

10.01.2020.

However, the report of the Registry is that as regards notices ordered to be issued in this petition to the respondents, they could not be issued as even the process fee was not filed

Be that as it may, since the amount of the cheque in question, as is subject matter of the complaint instituted by respondent No.1, is only for an amount of ₹ 40,000/-, and it may in fact cause hardship to direct the presence of respondent No.1 before this Court, and he already having been paid Rs. 10,000/- as costs by the complainant as recorded in the order of the learned Judicial Magistrate Ist Class, Naraingarh, this petition is being disposed of, with Mr. Surinder Singh, AAG, Haryana, learned State counsel accepting notice on behalf of respondent No.2 in Court on the asking of the Court.

A copy of the petition be handed over to him.

Considering that the petitioner has now appeared before the trial Court, the petition is allowed to the extent that the impugned order directing registration of an FIR against the petitioner in terms of the provisions of Section 174-A of the IPC is set aside, subject to the petitioner continuing to appear before the trial Court as and when summoned, with it further clarified that if any default is committed by the petitioner, on even one occasion, unless of course she is exempted by that Court to not appear on any particular date, this order will be deemed to have not been passed and the impugned order dated 16.10.2018 shall stand immediately revived.

Subject to the above, the interim order passed by this Court

directing the trial Court to admit the petitioner to bail is also made absolute.

18.12.2019

Satyawan

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: no