

CRM-M-8596-2020

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-8596-2020
Date of Decision: 27.02.2020

Amit Kumar Arora

... Petitioner

Versus

Kulbhushan Gupta and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vivek Singla, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

The present petition has been filed under Section 482 Cr.P.C. for quashing of criminal complaint NACT No.856 dated 30.07.2019, titled as 'Kulbhushan Gupta Vs. Amit Kumar Arora', under Sections 138 and 142 of the Negotiable Instruments Act, 1881, pending in the Court of learned Judicial Magistrate Ist Class, Panchkula, and all the consequential proceedings arising out of the aforesaid complaint, including the summoning order dated 07.09.2019 (Annexure P-7).

Learned counsel for the petitioner submits that the impugned complaint filed by respondent No.1 against the petitioner is not maintainable, as there is a specific assertion in the complaint, itself that registered notice sent to the petitioner had been received back with the remarks that the addressee had left the premises. Since the notice has not been served upon the petitioner-accused, the only remedy with respondent

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No.1-complainant was that he should have issued a fresh notice at the present address of the petitioner. In support of his contentions, the learned counsel relies upon K.Annaji Rao vs. N. Krishna Raju Sekhar & anr. 2005(1) R.C.R. (Criminal) 220 and M.Usman Vs. M.P.Muhammed Ali, 2017(3) Ker L.J. 758.

In view of the arguments raised by the learned counsel for the petitioner, the present petition is disposed of with liberty to the petitioner to move an application before the trial Court by raising all the points as have been raised in this petition. If such an application is filed by the petitioner before the trial Court, the same shall be decided at the first instance, in accordance with law.

27.02.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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