

Sr. No.226

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

**CRM-M-14561 of 2020 (O&M)
DATE OF DECISION : 02.09.2020**

Vishadeep Singh Sidhu

...Petitioner

Versus

ICICI Bank Limited & Anr.

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Amandeep Chhabra, Advocate,
for the petitioner.

Mr. Sandeep Suri, Advocate
For respondent No.1-Bank

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking quashing of order dated 10.02.2020 by virtue of which he was declared proclaimed offender in a complaint filed by respondent No.1 under Section 138 of Negotiable Instruments Act for having issued three cheques of Rs.10,25,760 each, which on presentation were dishonoured for want of sufficient funds.

2. Learned counsel for the petitioner, at the outset, submits that the petitioner was declared as proclaimed offender by the trial Court without resorting to the provisions contained in Section 82 Cr.P.C. However, in order to settle the matter with the complainant-Bank, the petitioner has paid the entire outstanding amount to the Bank, as a result the complainant Bank

is not pursuing the complaint and it will be withdrawn in due course. In this view of matter, continuation of proceedings in the said complaint are sheer wastage of time of Court, contends learned counsel for the petitioner.

3. On the other hand, learned counsel for complainant-respondent No.1 does not controvert the above submissions of learned counsel for the petitioner. He admits that payment of entire cheques amount has been made by the petitioner to the Bank.

4. In the circumstances, when the complainant is not interested in pursuing the main complaint case, in which order dated 10.02.2020 was passed, I am of the opinion that without delving into the question of validity or otherwise of impugned order, the same can be set aside being not sustainable, particularly when entire payment has been made by the petitioner in respect of which said complaint has been filed by the Bank.

5. As a sequel, petition is allowed. Order dated 10.02.2020 passed by trial Court vide which petitioner was declared as proclaimed offender, stands quashed. However, the petitioner shall cause appearance before the trial Court within two months from today. A copy of this order be sent to the Court concerned.

September 02, 2020
Jiten

(ARUN MONGA)
JUDGE

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