

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

CRM-M-34934-2019 (O&M)

Date of decision: 10.01.2020

Ravinder Jain

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. B.S. Toor, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Complainant Ravinder Jain had filed a complaint under Section 138 of the Negotiable Instruments Act against accused Anshu Arora and his concern M/s Anshu Traders, Varanasi (UP). After recording of preliminary evidence, accused were summoned by JMIC, Ludhiana, vide order dated 14.09.2019. On account of failure on the part of the complainant to file RC and AD, the complaint was dismissed under section 204(4) Cr.P.C. on 04.07.2019.

Such order left the petitioner aggrieved and he has approached this Court by way of filing the present petition, seeking quashing of that order.

Notice of motion was issued in this case. State counsel has put in appearance, whereas, respondents No.2 & 3 have not appeared

despite service.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that the omission on the part of the complainant to file registered cover and AD was not intentional but for the reason that wife of the counsel for complainant had expired and for that reason, the necessary compliance could not be made. I find the explanation to be convincing. Learned counsel for the petitioner undertakes to file the Registered Cover and Acknowledgment Card in the trial Court within a week, if the complaint is restored. The impugned order is somewhat harsh. Therefore, the impugned order is set aside by way of allowing the present petition and the complaint is ordered to be restored at its original number. The Trial Magistrate shall proceed with the case from the stage when it was dismissed. Counsel for the petitioner has been directed to ensure that RC and AD filed are in the Court at the earliest and no similar default should take place.

10.01.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No