

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

CRM-M-53418-2019(O&M)

Date of decision: 26.02.2020

Balwinder Singh

...Petitioner

Versus

Oriental Bank of Commerce

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Sandeep Jain, Advocate and
Mr. Sachin Jain, Advocate for the respondent.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. is for quashing of impugned complaint dated 11.05.2016 bearing number NACT-113-2016 (Annexure P-1) and all its consequential proceedings i.e. Judgment of conviction and sentence dated 31.07.2018 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, SBS Nagar and judgment dated 01.08.2019 (Annexure P-3) passed by learned Additional Sessions Judge, SBS Nagar, passed in criminal appeal bearing number CRA-31-2019 arising therefrom, on the basis of settlement/No Dues Certificate dated 18.11.2019 (Annexure P-4).

Learned counsel for the petitioner states that the petitioner-accused was convicted under Section 138 of the Negotiable Instruments Act, 1881, and sentenced to undergo rigorous imprisonment for 1 year and 6 months and fine of Rs. 1000/-, vide judgment/order dated 31.07.2018. The

appeal preferred by him was dismissed by learned Additional Sessions Judge, SBS Nagar, vide order dated 01.08.2019. Learned counsel for the petitioner has brought to the notice of this Court that after passing of judgment of conviction and dismissal of appeal, the petitioner has deposited the due amount and the respondent-Bank has issued 'No dues certificate' dated 18.11.2019.

Learned counsel for the respondent-Bank has not disputed the fact that due amount has been paid by the petitioner and accordingly 'No dues certificate' dated 18.11.2019 has been issued by the respondent-Bank.

I have heard the learned counsel for the parties.

In view of the above, the complaint bearing No. NACT-113-2016 (Annexure P-1) is quashed, judgment of conviction and order of sentence dated 31.07.2018 (Annexure P-2) passed by learned Judicial Magistrate 1st Class, SBS Nagar and judgment dated 01.08.2019 (Annexure P-3) passed by learned Additional Sessions Judge, SBS Nagar passed in CRA-31-2019, are hereby set aside, the petitioner is acquitted of the charges framed against him.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

26.02.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No