

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1375 of 2012

Biswa Ranjan Mishra ***Petitioner***
versus-
Tarini Auto Spares, Rourkela, ***Opposite Party***
Sundergarh, Orissa.

CORAM: JUSTICE S. PUJAHARI

Order
No.

ORDER
22.03.2022

04.

1. This matter is taken up through hybrid mode.
2. This application under Section 482 of Cr.P.C. has been filed by the Petitioner with a prayer to quash the order dated 16th September, 2009 passed by the learned S.D.J.M., Panposh in 1.C.C. No.499 of 2009 so also the entire proceeding.
3. Heard.
4. Petitioner has sought for quashment of the aforesaid proceeding on the ground that without being statutory demand notice issued, proceeding has been initiated against him.
5. But, the aforesaid complaint case reveals that statutory demand notice was given to the Petitioner on 17th July, 2009. Therefore, the contention advanced by the learned counsel for

the Petitioner for non-compliance of the Section 138(b) of N.I. Act, the aforesaid proceeding is liable to be dismissed, is without any substance.

6. Accordingly, the CRLMC stands dismissed.

7. Interim order dated 18th May, 2012 passed by this Court in Misc. Case No.970 of 2012 stands vacated.

8. Order be communicated to the court concerned forthwith.

(S. Pujahari)
Judge

DA

