

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

**CRM-M No. 28155 of 2016
Date of Decision: 17.05.2022**

Amit Kukkar

..... Petitioner

Versus

Baljeet Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Jatinderpal Singh, Advocate
for the petitioner.

None for the respondent.

SURESHWAR THAKUR, J. (ORAL)

1. In complaint case bearing NACT No. 2390/2015, insituted on 11.09.2015, before the learned JMIC, Jalandhar, the accused named therein are alleged to commit an offence constituted under Section 138 of the Negotiable Instruments Act, 1881.

2. After the recording of preliminary evidence, upon, the complaint (supra), the learned trial Magistrate concerned, made a summoning order of 21.10.2015 (Annexure P-2), upon, the present petitioner. Moreover, thereafter, the learned Magistrate concerned, through an order of 22.07.2016 (Annexure P-8), declined relief to the petitioner, upon, his application for his discharge qua the compliant offence(s).

3. Consequently, the petitioner herein, arrayed as accused No. 3 in the petition complaint, became aggrieved, and, instituted the instant petition, before this Court qua both the above orders being quashed and set aside.

4. Be that as it may, during the pendency of the instant petition,

before this Court, the learned counsel for the petitioner, has placed on

record, an order made on 29.10.2019, by the learned trial Magistrate concerned, upon, the petition complaint, order whereof becomes extracted hereinafter. A perusal of the same reveals, that the complainant has withdrawn the petition complaint only insofar as the petitioner herein is concerned, and, besides also reveals that hence the learned trial Magistrate concerned, has proceeded with respect to the petition complaint, hence to make an order of acquittal only qua the petitioner herein,

“ *Present: Complainant with counsel Sh.Narinder Paul Singh Rupewali Adv.*

Counsel for Accused No.3.

Accused No. 2, 4 and 5 declared P.P. On 02.06.2016.

Accused No.1 Company.

Today complainant suffered his statement in the court that he does not want to proceed with the present complaint against accused No.3 Amit Kukkar and withdraw the complaint qua accused No.3 only. Since remaining accused have already been declared as proclaimed person vide order dated 02.06.2016 passed by the court. Heard. I have perused the file. As the offence U/s 138 of Negotiable Instruments Act, 1881 is compoundable U/s 147 of the said Act, therefore, complainant is allowed to withdraw the present complaint qua accused No.3. Accordingly present complaint stands dismissed as withdrawn qua accused No.3. Accused stands acquitted and his bail bonds/surety bonds, if any furnished stand discharged. In the meanwhile file is ordered to be consigned to the record room with the directions to revive it back as and when remaining accused/proclaimed persons are arrested, appear or surrender before the court.

*Pronounced in open Court
Dated:29.10.2019*

*(Shaminder Pal Singh)
Judicial Magistrate First Class
Jalandhar(UID-PB0391) ”*

5. Therefore, in view of the above extracted order, the petition at hand asking for relief of quashing of orders (supra), does not survive, rather it becomes rendered infructuous.
6. Consequently, the present petition is disposed of as becoming rendered infructuous.

May 17, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>