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

CRM-M-2241-2023

Date of Decision: 16.01.2023

Satyam Arora**.....Petitioner.****vs.****Munish Adhalaka****....Respondent.****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Govind Chauhan, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

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Prayer in the present petition is for quashing of the impugned order dated 07.12.2019, vide which, the petitioner has been declared proclaimed offender in complaint No.NACT-481 of 2015 dated 22.12.2015, titled as Munish Adhalakha vs. Satyam Arora, under Section 138 of Negotiable Instruments Act, 1881 pending before the learned JMIC, Rupnagar alongwith all consequential proceedings arising therefrom.

Learned counsel for the petitioner has submitted that the respondent filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 against the petitioner and in that case notice was issued vide order dated 30.01.2016. He submits that thereafter, the case remained pending there for the service of the petitioner, who was never served and he being unaware of the pendency of the complaint, could not appear before the said Court and vide order dated 07.12.2019, he was

declared proclaimed offender. It has been further stated that on coming to know about the pendency of the complaint, the petitioner compromised the matter with the complainant and dispute has been resolved. He submits that as the matter has been settled between the parties, the impugned order is liable to the set aside.

After hearing learned counsel for the petitioner, this Court is of the view that the present petition can be disposed of without issuing notice to respondent as resorting to that process will result in wastage of time. So keeping in view the abovesaid contentions, the present petition is disposed of and the order dated 07.12.2019 is set aside subject to payment of Rs. 20,000/- as costs to be deposited with the Poor Patients' Welfare Fund, PGIMER, Chandigarh, by the petitioner. In case, the petitioner appears and surrenders before the Court concerned within a period of 7 days from today and produce receipt of abovesaid costs and files an application for bail, the Court concerned would consider and decide the same expeditiously in accordance with law. He will have protection from arrest for a period of 7 days from today.

Needless to say that in case the petitioner fails to comply with the abovesaid direction, he will have no benefit of abovesaid protection granted by this Court and order under challenge dated 07.12.2019 will come in force.

16.01.2023
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No

(RAJESH BHARDWAJ)
JUDGE