

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

204

**CRM-M-11224-2021 (O&M)
Date of Decision:07.08.2023**

MADAN KATYAL

....Petitioner(s)

Versus

DISTRICT PRIMARY CO OP. AGRI AND RURAL DEV. BANK LTD.

.....Respondent(s)

2)

CRM-M-11463 of 2021 (O&M)

MADAN KATYAL

....Petitioner(s)

Versus

DISTRICT PRIMARY CO OP. AGRI AND RURAL DEV. BANK LTD.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Jagdeep S. Virk, Advocate,
for the respondent.

JASGURPREET SINGH PURI, J. (Oral)

1. Both these petitions have been filed under Section 482 of the Code of Criminal Procedure for quashing of Complaint Nos.2737 and 2740 of 2018, under Section 138 of the Negotiable Instruments Act, 1881 (Annexure P-1) and summoning order dated 30.05.2018 (Annexure P-2) (impugned in both these petitions) and subsequent proceedings arising therefrom.

2. At the outset, learned counsel appearing on behalf of the respondent (in both the cases) has stated that the subject matter of both these petitions was under Section 138 of the NI Act, 1881 pertaining to two different cheques and which led to filing of two different complaints. He submitted that the amount has already been deposited and the complaints in both these

petitions have already been withdrawn vide orders dated 08.02.2022 and 02.02.2022, respectively, passed by the learned Judicial Magistrate Ist Class, Karnal and learned counsel for the respondent has also supplied the photocopy of the aforesaid orders during the course of proceedings and the same are taken on record as Mark 'X' and 'Y' respectively.

3. Learned counsel for the petitioner has stated that so far as the aforesaid factual position as stated by learned counsel for the respondent is concerned, the same is correct and the amount has since been deposited before the Court and the complaints have been withdrawn. He has however submitted that both the instant applications have been filed by the applicant-petitioner with regard to the amendment of the head note and prayer clause of both the petitions to the extent that there was some other amount which needs to be adjusted and an enquiry should be conducted by the bank in this regard and for that necessary prayer has been made.

4. This Court is of the view that both the applications are not maintainable since the complaints under Section 138 of the NI Act itself have been dismissed as withdrawn and so far as the subject matter of both the petitions is concerned, the same has become infructuous.

5. There is no merit in the applications filed for amendment, the same are dismissed.

6. Both the petitions are dismissed as being rendered infructuous.

(JASGURPREET SINGH PURI)
JUDGE

August 07, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No