

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11393-2023

Date of Decision: April 12, 2023

RAJIV JAIN Petitioner
Versus
M/S AGGARWAL RMC AND ANR. Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. P.M Chauhan, Advocate for petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 CrPC, prayer has been made for quashing of the complaint under section 138 of the Negotiable Instruments Act, 1881 along with all consequential proceedings arising therefrom.

Learned counsel for the petitioner submits that in the present case a complaint has been filed on account of dishonor of two different cheques, details of the same are reproduced hereunder:-

Sr. No.	Cheque Nos.	Dated	Amount
1.	046837	15.11.2023	Rs. 4,27,513/-
2.	052271	02.12.2023	Rs. 2,85,000/-

Learned counsel for the petitioner submits that after the issuance of all the aforementioned cheques and before the filing of present complaint, petitioner has already paid the substantial amount in favour of the complainant. He relies upon a latest decision rendered by Hon'ble Supreme Court in the case of **Dashrathbhai Trikambhai Patel Vs. Hitesh Mahendrabhai Patel and Anr.**, passed in Criminal Appeal No.1497 of 2022 on 11.10.2022, to contend that in case partial amount

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stands paid against a cheque, the same cannot be used unless there is an endorsement made thereupon qua the remaining amount and as such, no offence under Section 138 of the Negotiable Instruments Act, 1881 was made out against the petitioner.

I have heard learned counsel for the petitioner and gone through the records.

In the present case, the petition has been filed at the fag end of the trial as the same is now fixed for 13.04.2023 for the purposes of defence evidence and as such, at this belated stage, it may not be appropriate for this Court to invoke Section 482 CrPC, once the entire evidence on behalf of complainant already stands recorded.

Accordingly, I deem it appropriate to request the trial Court to decide the complaint within a period of one month from the date already fixed i.e. 13.04.2023 by taking into consideration the proposition of law laid down by the Hon’ble Supreme Court in **Dashrathbhai Trikambhai Patel’s case (Supra)**, in case the same applies to the facts and circumstances of the present case.

In view of the above, the present petition is disposed of accordingly.

12.04.2023
tejwinder

(HARKESH MANUJA)
JUDGE

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