

119 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27811-2023

DATE OF DECISION:-30.05.2023

M/s Ashish Handloom Industries and another

...Petitioners.

Vs.

M/s A.S. Texo Fab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Suresh Kumar Jindal, Advocate,
for the petitioners.

HARKESH MANUJA, J. (Oral)

1. By way of present petition under Section 482 Cr.P.C., prayer has been made for quashing of order dated 31.03.2023 passed by the court of learned Additional Sessions Judge, Panipat, whereby, the petitioners have been directed to deposit 20% of the amount of compensation as ordered by the trial court.

2. Having argued for the some time, learned counsel for the petitioners prays for withdrawal of the present petition, however, he submits that petitioners would deposit the amount of compensation as directed by the trial court within the stipulated period, yet, prays for release of the same in favour of respondent-complainant against surety, so as to protect the interest of the petitioners as regards its refund by the first appellate Court, in case, the first appeal is allowed.

3. Though, I am unable to find any illegality or perversity in the jurisdiction exercised by the first appellate Court, in exercise of its powers under Section 148 of the Negotiable Instruments Act, 1881, however,

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considering the facts and circumstances of the present case, wherein, the petitioners raise an issue regarding maintainability of the complaint, filed at the instance of husband of the proprietor of the drawee firm, relying upon a decision made by the Hon’ble Supreme Court in the case of “*A.C. Narayanan vs. State of Maharashtra and another*”, *AIR 2014 SC 630*, which primarily pertains to filing of complaint through power of attorney holder and thus becomes debatable, besides keeping in mind the interest of justice, in exercise of powers under Section 482 Cr.P.C., it is directed that the deposit made by the petitioner in pursuance to the order passed by first appellate Court, shall be released in favour of respondent-complainant against suitable surety.

4. In view thereof, the present petition is dismissed as withdrawn with the aforesaid observations.

30.05.2023
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No