

(2010) 12 P&H CK 0473

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. M-31975 of 2010 (O and M)

Rajeev Singh Rana

APPELLANT

Vs

Bharti Infratel Limited

RESPONDENT

Date of Decision: Dec. 13, 2010

Acts Referred:

- Negotiable Instruments Act, 1881 (NI) - Section 138
- Penal Code, 1860 (IPC) - Section 120B, 149, 342, 365, 386

Hon'ble Judges: Jaswant Singh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Jaswant Singh.J.

Prayer in the instant petition is for quashing the complaint No. 6179 dated 9.10.2009 titled Bharti Infratel Limited v. Rajeev Singh Rana, u/s 138 of the Negotiable Instruments Act,1881 and summoning order dated 9.10.2009 passed by learned JMIC,Gurgaon, as well as all consequential proceedings.

2. Learned Counsel submits that Petitioner who was an employee of Bharti Infratel Limited-Respondent did not have any debt liability so as to have allegedly issued the cheques,which are subject matter of the aforesaid complaint. It is submitted that the cheques in question were obtained from the Petitioner by the officials of Respondent Company at Gurgaon by using coercive force and qua the said incident the Petitioner had lodged FIR No. 144 dated 17.9.2009 under Sections 149, 342, 352, 365, 386, 392, 420, 426, 474, 506, 506(2)/ 120B/34, PS Sector 17/18,Gurgaon. It is next submitted that after investigating the aforesaid FIR the police has filed a cancellation report which is being contested by the Petitioner. He then prays that at this stage the Petitioner be permitted to withdraw the petition with liberty to file a fresh petition after the fate of the proceedings of the occurrence which is subject matter of the aforesaid FIR.

3. Allowed as prayed for. Dismissed as withdrawn with the liberty aforesaid.