

**(2013) 08 P&H CK 0866**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Criminal Miscellaneous No. M-25611 of 2013

Bhoop Singh

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

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**Date of Decision:** Aug. 16, 2013

**Acts Referred:**

- Negotiable Instruments Act, 1881 (NI) - Section 138

**Hon'ble Judges:** Ritu Bahri, J

**Bench:** Single Bench

**Advocate:** S.K. Yadav, for the Appellant; Lavanya Paul, AAG, Haryana, for the Respondent

**Final Decision:** Allowed

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**Judgement**

Ritu Bahri, J.

A complaint u/s 138 of the Negotiable Instruments Act, 1881 was filed on 15.6.2007 before the Chief Judicial Magistrate, Narnaul. The allegation against the accused Bhoop Singh was that he had issued two cheques bearing Nos. SFJ 439231 & 439232. The cheques on presentation were dishonored on 12.5.2007 with the remarks "funds insufficient". On the complaint (Annexure P1) the petitioner was summoned vide order dated 26.7.2013 (Annexure P3). Thereafter, vide order dated 2.4.2010 (Annexure P2) the petitioner was declared a Proclaimed Offender. The complainant made a statement before the Chief Judicial Magistrate, Narnaul, on 26.7.2013 that he wants to withdraw the complaint. Thereafter vide order dated 26.7.2013 (Annexure P4) the complaint was withdrawn. These facts have not been disputed by the counsel for the State.

2. Since the main complaint has been withdrawn by the complainant, continuation of the order dated 2.4.2010 (Annexure P2) against the petitioner as the very basis of the complaint does not exist. The order dated 2.4.2010 (Annexure P2) is quashed. Petition is allowed.