

Bhoop Singh Vs State of Haryana and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 16, 2013

Acts Referred: Negotiable Instruments Act, 1881 (NI) â€” 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

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 Thereafter vide order dated 26.7.2013 (Annexure P4) the complaint was withdrawn.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 Since the main complaint has been withdrawn by the complainant, continuation of the order dated 2.4.2010 (Annexure P2) against the petitioner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.