

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 8441/2024

Renjith S, S/o Late Mr. M.k Sadashivan,

-----Petitioner

Versus

State of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Jaimon Andrews

For Respondent(s) :

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

16/12/2024

This criminal miscellaneous petition has been filed by the petitioner with the prayer to quash Complaint No. COMP/18525/2024 M.K. Devarajan (HUF), Karta Vs. Renjith S. pending before the Special Judicial Magistrate (NI Act Cases) Court No.4, Jaipur Metropolitan-I, Jaipur.

Learned counsel for the petitioner tendered three cheques to the complainant-respondent. Counsel further submits that the first cheque amounting to Rs. 9,33,333/- was dishonoured, however, the cheque amount was paid to the complainant by transfer of the same amount in his account. Counsel further submits that second cheque of Rs. 9,13,333/- was presented by the complainant on 19.07.2024 for encashment which was encashed. Now third cheque amounting to Rs. 9,13,333/- was presented by the complainant for encashment on very next day of encashment of second cheque but same was dishonoured on account of the fact that the petitioner stopped the payment.

Counsel also submits that later on he sent a Demand Draft of the like amount to the complainant by Speed Post. However the complainant instead of getting it encashed filed a complaint under Section 138 of the Negotiable Instruments Act. On receiving the summons the petitioner vide letter dated 30.10.2024 requested both the complainant and his lawyer to present the Demand Draft, which he has already sent to them for encashment and to resolve the issue, however, the complainant instead of submitting the Demand Draft which was already sent to him, pursued the complaint. Counsel also submits that the petitioner is ready to make the payment even in the Court also on the next date fixed before the Court and the complaint is the misuse of process of law.

Issue notice to the respondents. Returnable within a period of four weeks.

List this matter after four weeks.

In the meantime further proceedings in connection with Complaint No. COMP/18525/2024, M.K. Devarajan (HUF), Karta Vs. Renjith S., pending before the Court of learned Special Judicial Magistrate (NI Act Cases) Court No.4, Jaipur Metropolitan-I, Jaipur shall remain stayed. The petitioner is not required to put appearance before the Court below till the next date.

(GANESH RAM MEENA),J