

CRM-M-38985-2015

[1]

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(Sr. No.261)

CRM-M-38985-2015

Date of Decision:-March 28, 2017

Indusind Bank Ltd.

.....Petitioner

V/S

Surinder Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. Amit Dhawan, Advocate,
for the petitioner(s).
Mr. H.K. Aurora, Advocate,
for the respondent.

A.B. Chaudhari, J. (Oral)

Rule. Heard forthwith with the consent of the rival parties.

The present petition has been filed by the petitioner under Section 482 Cr.P.C. seeking for quashing of the Complaint case No.353/1/2012 dated 07.11.2009, titled as “Surinder Kaur versus Gurmeet Kaur & others” under Sections 420, 465 and 120-B of Indian Penal Code, 1860 and the subsequent summoning order dated 23.12.2013, passed by the learned JMIC, Jalandhar (Annexure P-12) for offence under Sections 420, 120-B of 'IPC' qua the petitioner-Indusind Bank Limited.

The trial Court issued process summoning order against the petitioner-Indusind Bank Ltd. and two others. The only averment against the petitioner in the complaint (Annexure-P-11) is in Para-7, which I quote hereunder:-

“ 7. That the remaining amount near about ₹8,00,000/- against GPF and other benefit of Ranjit Singh was withdrawn by the accused No.1 Gurmeet Kaur with the helping hand of accused No.2 Narinder Singh and

accused No.3 Indusind Bank. But no amount was given to the complainant. By this way all the accused cheated with the complainant.”

It is clear from the above averment except saying that the petitioner-Indusind Bank Ltd. had released the payment with the help of accused Nos.1 and 2 and there is not a single averment showing any element of *mens rea* on the part of petitioner-Indusind Bank Ltd. Petitioner-Indusind Bank Ltd. is under an observation to do his business and honour the cheques or withdrawal slips for making payments. If the complainant has a dispute with the other two accused the same would not justify in any manner, the issuance of accused summons to the petitioner-Indusind Bank Ltd. Thus the complaint as well as the summoning order both are nothing but abuse of process of law. In that view of the matter, I make the following order:-

ORDER

1. CRM-M-38985-2015 is allowed qua the petitioner only.
2. Complaint case No.353/1/2012 dated 07.11.2009, titled as “Surinder Kaur versus Gurmeet Kaur & others” under Sections 420, 465 and 120-B of Indian Penal Code, 1860 and the subsequent summoning order dated 23.12.2013, passed by the learned JMIC, Jalandhar (Annexure P-12) for offence under Sections 420, 120-B of 'IPC' are dismissed with costs in the sum of ₹2,000/- payable by the respondent-complainant to the petitioner-Indusind Bank Ltd. within a period of eight weeks from today.

March 28, 2017

Pankaj

(A.B. Chaudhari)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No