

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

206

CRM-M-10045-2017
Date of Decision:18.07.2019

M/s Atma Ram Mela Ram Steels Pvt.Limited and otherspetitioners

Versus

M/s Mukesh Steel Limitedrespondent

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.Manish Jain, Advocate with
Mr.Mayur Kanwar, Advocate
for the petitioners

Mr.Namit Gautam, Advocate and
Mr.Vikas Bali, Advocate
for the respondent

ANIL KSHETARPAL, J. (ORAL):

Prayer in the present petition is to quash complaint No.1682/2016 dated 20.02.2016 under Section 138 of the Negotiable Instruments Act and order dated 23.02.2016 passed by the trial Court, summoning the petitioners.

Learned counsel for the petitioners has submitted that the alleged cheque (Negotiable Instrument) was dishonoured with the remark “*other reasons*”. He submitted that the learned trial Court without any evidence to the effect that funds available in account were insufficient, summoned the petitioners while noticing that cheque has been returned with remarks “*insufficient funds*”. He submits that there is total non-application of mind.

On the other hand, learned counsel for the respondent has pointed out that no doubt, the cheque in question was returned with the remark “*other reasons*” but complainant is possessed of sufficient evidence to prove that the balance amount in the account of the petitioners was insufficient to encash the cheque in question. Learned counsel for the respondent submits that he may be permitted to produce further evidence to prove that the amount maintained by the petitioners was not having sufficient balance on that day.

Be that as it may, keeping in view the facts of the case and more particularly apparent error in the order of summoning in noting that the cheque was returned with the remarks “*funds insufficient*” in place of “*other reasons*”, the order dated 23.02.2016 summoning the petitioners, is set aside. Learned trial Court would permit the complainant/respondent to produce further evidence and thereafter pass a fresh order in accordance with law.

The petition stands disposed of.

18.07.2019

neenu

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No