

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

(Heard through VC)

CRM-M-10686 of 2021 (O&M)
Date of Decision: March 08, 2021

Balvinder Kumar Sharma and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikas Bali, Advocate
for the petitioners.

JAISHREE THAKUR, J. (Oral)

Counsel for the petitioners herein has preferred the instant petition under Section 482 Cr.P.C. seeking indulgence of this court for issuance of a direction to the official respondents to look into the reply dated 19.02.2021 in response to the notice issued under Section 91 Cr.P.C. dated 11.02.2021.

Counsel for the petitioners herein contends that there is a dispute that has arisen between the petitioners, who are suspended directors as on date and respondent No.5, which dispute is already pending before the civil court. It is further argued that insolvency proceedings are pending before the National Company Law Tribunal, Chandigarh Bench under Section 9 in CP(IB) No.118/Chd/PB/2019 and by of order dated 07.06.2019, Mr. Suresh Kumar Bansal has been

appointed as Interim Resolution Professional in terms of Section 16(5) of the Code, apart from other directions being issued. It is argued that initially a complaint had been filed by the complainant, which was investigated and the matter was put to rest, however, another complaint has been filed by respondent No.5 and the petitioners herein have been served with a notice under Section 91 Cr.P.C. dated 11.02.2021, to which a reply dated 19.02.2021 has already been filed. The said reply has been sent by speed post as would be evident from the postal receipt dated 20.02.2021. The limited prayer as made by counsel for the petitioners is that the reply to the notice under Section 91 Cr.P.C. be considered and the petitioners are not coerced in any manner whatsoever.

Notice of motion to the official respondents.

At this stage, Mr. P.P. Chahar, DAG Haryana, who is appearing through the medium of video conferencing, accepts notice on behalf of the official respondents and submits that reply that has been furnished, as argued by the counsel for the petitioners, would be considered in accordance with law and a speaking order will be passed thereon.

In view of the above, I dispose of the instant petition by directing the official respondents to consider and decide the reply dated 19.02.2021 (Annexure P-11) by passing a speaking order in accordance with law, within a period of four weeks from the date of receipt of certified copy of this order.

In the meantime, no coercive steps be taken against the petitioners herein.

March 08, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No