

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 44530 of 2021
Date of Decision: 22.11.2021

Vishal Satinder Sood

.....Petitioner

Versus

Sar Tech Solutions Pvt. Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Arun Gupta, Advocate
for the petitioner.

Mr. Somnath Tayal, Advocate
for the respondent.

SURESHWAR THAKUR, J. (ORAL)

1. In the instant petition, a challenge is made to the order made by the learned Judicial Magistrate Ist Class, Faridabad, wherethrough, the petitioner herein has been asked to face proceedings, hence orally stated today i.e. 22.11.2021, in respect of a notice of accusation, being put to him, for an offence, under Section 138 of the Negotiable Instruments Act.

2. After notice being sent to the complainant-respondent, Mr. Somnath Tayal, Advocate, puts appearance on its behalf, and, tenders his Vakalatnama.

3. The learned counsel for the respondent-complainant submits, that he has instructions to make a statement before this Court, that the complainant does not intend to prosecute the petitioner herein, as no incriminatory role, qua the dishonour of the negotiable instrument, is attributed to him, and, the instant petition may be allowed, only insofar as

the petitioner herein is concerned.

4. Bearing in mind the afore made statement, before this Court, by the learned counsel for the respondent-complainant, inasmuch as, his having been instructed to make a statement before this Court, that no incriminatory role is attributed to the petitioner herein, therefore, only insofar as, the petitioner herein is concerned, the order made by the learned Judicial Magistrate Ist Class, hence summoning the petitioner, to cause his appearance today, before him, for notice of accusation, being put to him, is quashed and set aside.

5. In view of the above, the petition is allowed. However, consequent therewith corrections in the memo of the respondent-accused, on complaint No. NACT/4274/2019, titled Sar Tech Solutions Pvt. Ltd. Versus Manpasand Beverages Limited and others', be made by the learned Magistrate concerned.

(SURESHWAR THAKUR)
JUDGE

November 22, 2021
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : Yes/No