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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53756-2021 (O&M)

Date of decision: 22.12.2021

MONICA BANSAL

...Petitioner

VERSUS

VARIETY PRORERITES PVT LTD

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Sandeep Suri, Advocate
for the petitioner.

ANOOP CHITKARA, J. (Oral)

The petitioner has come up before this Court with the prayer for setting aside order dated 07.12.2021 (Annexure P-1), passed by the learned Judicial Magistrate First Class, Chandigarh, in complaint under Section 138 of the Negotiable Instruments Act, titled “**M/s Variety Properties Pvt. Ltd. versus M & N Square and another**” bearing registration case No.18951/2019 dated 02.12.2019, whereby non-bailable warrants of arrest have been issued against her vide order dated 07.12.2021(Annexure P-1) despite filing of an application under Section 94/96 of the IBC, (Annexure P-5, dated 14.12.2021) seeking withdrawal of Warrants and stay of further proceedings.

The learned counsel for the petitioner has drawn the attention of this Court to a judgment of Hon'ble Supreme Court in ***P. Mohanraj and others versus M/s Shah Brothers Ispat Pvt. Ltd., 2021 SCEj 1173*** (Civil Appeal No.10355 of 2018, decided on 01.03.2021).

The limited prayer for which the petitioner has come up before this Court is for quashing the non-bailable warrants and also to stay the

proceedings against her. It has been argued that the matter has been taken over by National Company Law Tribunal has already seized of the matter under Section 94 of the IBC.

Consequently, the present petition is allowed.

The non-bailable warrants are set aside. The petitioner shall be released on personal bonds.

Given above, it is for the concerned Magistrate to decide that whether it would be appropriate to proceed further in this matter in the light of the judgment supra. Nothing else is required to be passed by this Court and the present petition is allowed.

22.12.2021
Chetan Thakur

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No