

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13422 of 2019

Date of Decision: 25th May, 2022

M/s Asha Jewellers

... Petitioner

Versus

Megha Garg and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Shiv Kumar Sharma, Advocate for the petitioner.

AVNEESH JHINGAN , J.(Oral)

This petition is filed for setting aside order dated 18.2.2019, whereby summoning of Megha Garg under Section 138 of the Negotiable Instruments Act, 1881 in Complaint No. NACT-44-2016 was set aside.

The brief facts are that there was a business dealing between the complainant and M/s Mehar Chand Jewellers. As per the pleadings, a cheque bearing No.391911 dated 12.10.2016 for an amount of Rs.4,30,000/- drawn on Punjab and Sind Bank, Nihal Singh Wala was issued in favour of the complainant. On presentation, the cheque was dishonoured with the remarks "funds insufficient". The cheque was signed by Manish Garg, partner of the firm.

The complainant impleaded the firm, Manish Garg and Megha Garg as accused. Vide order dated 22.12.2016, the accused were summoned. Aggrieved of the summoning, Megha Garg filed a revision petition. The revisional court considering that Megha Garg had played no role in issuance of cheque and that she was not partner in the firm at the relevant time, set aside the summoning order qua her.

Learned counsel for the petitioner submits that the revisional court erred in setting aside the summoning order of Megha Garg.

There is no dispute on the fact that the cheque was issued on behalf of M/s Mehar Chand Jewellers and was signed by Manish Garg. *Prima facie*, there is nothing on record to establish that she had any role in issuance of cheque. Even it is not being disputed that Megha Garg was not a partner in the firm at the relevant time.

No ground is made out for interference in the impugned order.

The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

25th May, 2022
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Whether reasoned/speaking	Yes
Whether reportable	Yes