

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM-M-17232-2022 (O&M)
Date of decision: 26.04.2022**

SONY MONY DEVELOPERS PVT. LTD. AND ORS

....Petitioner(s)

Versus

M/S INDIA BULLS HOUSING FINANCE LTD.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Sandeep Arora, Advocate
for the petitioners.

VINOD S. BHARDWAJ. J. (ORAL)

Instant petition has been filed under Section 482 CrPC for quashing the criminal complaint CIS No.48217 of 2019 titled as 'M/s India Bulls Housing Finance Limited Versus Sony Mony Developers Pvt Ltd & Ors' under Section 138 of the Negotiable Instruments, Act 1881 along with quashing of the summoning order dated 05.10.2019 passed by Judicial Magistrate First Class, Gurugram and all other consequential proceedings arising therefrom.

Learned counsel for the petitioners submits that pursuant to the legal notice dated 23.08.2019 (Annexure P-3) for a sum of Rs.67,68,534/-, the petitioners have already repaid the entire amount and has placed reliance on the reply dated 07.09.2019 sent to the respondent/complainant as well as placed reliance upon the bank statement to supplement the same and to contend that an amount of Rs.78 lakhs, which is over and above the amount demanded through

the legal notice already stands repaid.

Learned counsel for the petitioners however could not give any valid reason as to why the said aspect could not be brought to the notice of the trial Court by moving an appropriate application and to seek appropriate direction for discharge/dismissal of the complaint on account of payment having already been made pursuant to the legal notice.

Learned counsel thus prays for withdrawal of the instant petition with liberty to approach the trial Court by moving appropriate application to bring on record and to establish the payment of the amount demanded by means of the cheque and discharge of the liability ensuing thereupon.

Needless to mention that upon any such application being moved, the same shall be considered by the trial Court in accordance with law.

Petition is dismissed as withdrawn with liberty as prayed for.

(VINOD S. BHARDWAJ)
JUDGE

April 26, 2022
S.Sharma(syr)

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