

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48121-2022
Date of decision: 17-10-2022

Kathpal Diaries & others

.....Petitioner(s)

v.

M/s. Shivam Milk Chilling Centre

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: - Mr. Abhinav Jain, Advocate
for the petitioner.

ANOOP CHITKARA, J.

Prayer in the present petition filed under Section 482 CrPC is for quashing of complaint No.NACT/12/2022 under Section 138 of the Negotiable Instruments Act pending before the SDJM, Budhlada as well as summoning order dated 1.4.2022 (Annexure P-2) and subsequent proceedings arising therefrom.

A perusal of the present petition reveals that the same has been filed by Rakesh Kumar Kathpal, who had allegedly signed the cheque in question and also by petitioners no.3, 4 and 5, who are wife, son and daughter-in-law of Rakesh Kumare Kathpal, who according to learned counsel for the petitioners were sleeping partners and had nothing to do either with issuance of cheque in question or debt or any other liability involved therewith.

Learned counsel for the petitioners submits that since the present petition is supported by the affidavit of Rakesh Kumar Kathpal @ Bittu Arora only, the remaining petitioners do not want to pursue the present petition and wants to withdraw the present petition with liberty to file a separate petitions on behalf of petitioners no.3 Sunita Rani, petitioner no.4 Chander Shekhar Arora and petitioner no.5 Riphy Arora, on the ground that they are not signatory of

the cheque in question and there was no liability against them.

Given above, the present petition is disposed of, with liberty to file a separate petition, as aforesaid. It is further clarified that in case petitioner no.2 Rakesh Kumar Kathpal @ Bittu Arora also wants to file a separate petition on the grounds which have not been taken in the present petition, he shall be permitted to do so. It is further clarified that it will also be permissible for the petitioners no.3 to 5 to file a separate petition on their behalf and filing of the present petition shall not come in their way in any manner.

Pending applications, if any, shall stand disposed of.

(ANOOP CHITKARA)
JUDGE

October 17, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No