

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

CRM-M-3018-2023

Date of Decision: January 19, 2023

M/s Ramsons Financial Services Limited Petitioner

Versus

M/s Swami Motors Services Private Limited and ors.

Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Nitin Sachdeva, Advocate for the petitioner.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 Cr.P.C., a limited prayer has been made for issuance of directions to the Court of learned JMJC, Ludhiana for time-bound/expeditious disposal of complaint bearing No. COMA/9449/2020 of 11.11.2020 filed u/s 138 of Negotiable Instruments Act, 1881, for short 'the Act'.

The facts of the case are that on account of dishonour of one cheque bearing No.562102 dated 30.09.2020 amounting to Rs.25,00,000, the petitioner filed a complaint under Section 138 of the Act against respondents. In the aforesaid complaint, the respondents were summoned by the Court of learned JMJC vide order dated 11.11.2020. Respondents were granted bail by the trial Court on 08.04.2021 and thereafter, the complaint was adjourned for serving of notice of accusation upon the respondents and since then the proceedings are continuing for the same purpose as in between, respondent No.2 has moved an application under Section 264 Cr.P.C., but the same was dismissed vide order dated

08.04.2022.

Referring to the zimni orders attached along with the present petition as Annexures P-6 to P-19 (at Pages 39-52), learned counsel for the petitioner submits that the complaint is pending before the Court below for the past almost two years without there being any headway to the proceedings and the respondents herein are delaying its disposal for one reason or the other.

I have heard learned counsel for the petitioner and perused the paper-book. From perusal of the zimni orders, one can see through that the summoning order in this case was passed way-back on 11.11.2020 and the respondents were granted bail on 08.04.2021 and even after the expiry of more than one and half year, notice of accusation has not been served upon the respondents and the proceedings have not continued effectively on account of pendency of application under Section 264 Cr.P.C. filed at the instance of respondent No.3.

Without commenting upon the merits of the petition, the same is disposed of with a request to the trial Court to proceed with the complaint effectively and dispose of the same expeditiously and preferably within a period of six months.

Keeping in view the nature of proceedings, the present petition is being decided without issuing notice to the respondents, lest it may delay the proceedings before the trial Court.

January 19, 2023
sanjay

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>