

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

**CRM-M-15907-2018
DECIDED ON: 19th APRIL, 2023**

M/S INDIRA FINANCIAL SERVICES LTD.

.....PETITIONER

VERSUS

NIRMALA AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Jai Bhagwan Sharma, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 482 Cr.P.C., has been invoked for quashing of impugned order dated 10.08.2017 (Annexure P-1) passed by Judicial Magistrate 1st Class, Faridabad vide which complaint bearing No.NACT-5244-2015 titled as M/s. Indira Financial Services Ltd. vs. Nirmala and Ors., was dismissed for want of prosecution.

Learned counsel for the petitioner submits that a complaint under Section 138, 141 and 142 of Negotiable Instruments Act, 1881 has been filed against the respondent on 11.10.2013. It is submitted that the petitioner-company authorized Mr. Bharat Jariwala Accounts Officer of the company to attend the proceedings before the trial Court, but on 08.12.2016 and 21.01.2017, neither the Advocate nor any authorized person was presented before the trial Court and notice was issued to the petitioner-company for 10.08.2017. It is further submitted that notice could not be served upon petitioner-company, as the company has shifted its office from NIT Faridabad

in May, 2016 at 523/1, Sector-9, Faridabad and other office at 1181, 1st floor opposite Palam Apartment New Delhi.

In view of the explanation given by the counsel for the petitioner-company, this Court is fully convinced that the petitioner-company could not appear before the trial Court on 10.08.2017 due to shifting of its office. To meet the ends of justice, this Court is of the considered view that no prejudice would be caused to either of the parties, in case the present petition is allowed.

Accordingly, the present petition is allowed and the impugned order dated 10.08.2017 passed by learned Judicial Magistrate 1st Class, Faridabad is hereby quashed.

However, a direction is issued to the Judicial Magistrate 1st Class, Faridabad to restore the complaint at its original number and to decide the same on merits in accordance with law.

19th APRIL, 2023
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(SANDEEP MOUDGIL)
JUDGE

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