

203-2

2023:PHHC:128003
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17905-2023 (O&M)
Date of Decision:03.10.2023

Harshad Ganesh Kachhara

...Petitioner

vs.

India Infoline Housing Finance Ltd.

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. J.S. Mehndiratta, Advocate with
Ms. Jyotnoor Kaur Sethi, Advocate
for the petitioner.

Mr. Vineet Sehgal, Advocate
for the respondent.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.PC with a prayer to quash criminal complaint No. NACT-27369/2018 dated 17.08.2018 (Annexure P-6) titled as "India Infoline Housing Finance Ltd. Vs. Yamuna Realty Pvt. Ltd. & Others", filed by the respondent and the order dated 30.04.2022 (Annexure P-8), whereby the petitioner was summoned to face trial in the present case and all subsequent proceedings arising therefrom.

2. The primary contention made by learned counsel for the petitioner is that no prior notice as required under Section 25 of the Payment and Settlement System Act, 2007 had been served upon the petitioner before filing of the complaint and only on this ground the complaint as well as the impugned summoning orders are liable to be quashed passed by this Court.

3. Learned counsel appearing on behalf of respondent fairly concedes that the said statutory requirement had not been complied with by

the respondent and he has no objection, in case, the present complaint and the summoning orders are ordered to be quashed qua the petitioner only.

4. In view of the statements made by learned counsel for the parties, the present petition is allowed and the criminal complaint No. NACT-27369/2018 dated 17.08.2018 (Annexure P-6) titled as “India Infoline Housing Finance Ltd. Vs. Yamuna Realty Pvt. Ltd. & Others”, the summoning order dated 30.04.2022 (Annexure P-8) and all subsequent proceedings are ordered to be quashed qua the petitioner only.

5. All other pending applications, if any, are disposed off, accordingly.

03.10.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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