

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

203(5)

CRM-M-28609-2022 (O&M)

Date of Decision.:23.08.2023

Harshad Ganesh Kachhara

Petitioner

Vs.

India Infoline Housing Finance Limited

Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. J.S. Mehndiratta, Advocate
for the petitioner.

Mr. Vineet Sehgal, Advocate
for the respondent.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of criminal complaint No.NACT/26899/2018 dated 16.08.2018 (Annexure P-6) titled as 'India Infoline Housing Finance Ltd. v. Yamuna Realty Pvt. Ltd. & Ors.' pending before the Court of learned Judicial Magistrate First Class, Gurugram and the impugned summoning order dated 09.04.2019 (Annexure P-9) and all subsequent proceedings arising therefrom.

The main contention of the petitioner is that he was not served any notice prior to filing the complaint in question.

Today learned counsel for the respondent has very fairly conceded the fact 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 the complaint and as such, he has no objection if the

petition qua the petitioner is accepted.

In view of the aforesaid statement made by learned counsel for the respondent, the present petition is hereby accepted.

As such, criminal complaint bearing No. NACT/26899/2018 dated 16.08.2018 (Annexure P-6) titled as ‘India Infoline Housing Finance Ltd. Vs. Yamuna Realty Pvt. Ltd. & Others’ pending before the Court of learned Judicial Magistrate First Class, Gurugram along with the summoning order dated 09.04.2019 (Annexure P-9) and all the consequential proceedings arising therefrom are hereby quashed qua the petitioner.

Pending application(s), if any, also stands disposed of.

August 23, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No