

CRM-M-57769-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(292-2)

CRM-M-57769-2023

Date of decision:- 28.11.2023

Vishnoo Mittal

...Petitioner

Versus

M/s Shakti Trading Company and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Viren Sharma, Advocate,
Mr. Pradeep Singh, Advocate and
Mr. Sushant Pathak, Advocate
for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

1. Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of complaint case bearing NACT/17363/2018 titled as “M/s Shakti Trading Company Versus M/s Xalta Food and Beverages Pvt. Ltd. and others” under Section 138 of the Negotiable Instruments Act and to set aside the summons dated 07.09.2018 passed by the Trial Court in the said case upon the petitioner.

2. Mr. A.D.S.Jattana, Advocate has put in appearance on behalf of the respondents. By relying upon a judgment of a Co-ordinate Bench of this Court in ***Vishnoo Mittal Versus M/s Shakti Trading Company, 2022 (3) R.C.R. (Criminal) 926***, he has submitted that the petitioner had approached this Court at an earlier stage with a similar prayer, but was unsuccessful. A categorical assertion has been made by him that the petitioner has suppressed this material fact from the Court.

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- 3. Heard counsel for the parties.
- 4. Note given at the bottom of the petition reads thus:-

“No PO proceeding were ever initiated in this matter, however in some other matter PO proceeding were initiated.”

- 5. It is evident that the petitioner has tried to mislead this Court and has not disclosed the previous petition and its facts. As the petitioner has approached this Court with tainted hands, this petition deserves to be dismissed with cost, which are imposed at Rs.20,000/-. Cost shall be deposited with the Poor Patient Welfare Cell, PGIMER, Sector 12, Chandigarh.
- 6. Petition is dismissed on account of concealment.
- 7. Copy of the order be sent to the Trial Court, so that the order of cost can be complied.

28.11.2023 (SUVIR SEHGAL)
Kamal JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No