

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3738-2024
DECIDED ON: 23.01.2024

CSI COMPUTECH INDIA PVT LTD AND ORS
.....PETITIONERS

VERSUS

INDIABULLS HOUSING FINANCE LTD AND ANR
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashok Giri, Advocate
for the petitioners.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing/setting aside the complaint bearing No.NACT/9666/2019 dated 16.03.2019 (Annexure P-4) titled as '*Indiabulls Housing vs. CSI Computech*' under Section 25 of the Payment and Settlement Systems Act 2007 alongwith summoning orders dated 04.07.2019 and 01.07.2023 (Annexures P-5 & P-8 respectively), vide which after declaring the petitioners as proclaimed person, a direction has been issued to the police for lodging an FIR under Section 174-A of IPC.

A perusal of the case file depicts that there was an exemption application pending, which was filed on 14.06.2023 and was fixed for orders on 01.07.2023. The trial Court proceeded on to pass the order declaring the present petitioners as proclaimed person by looking at the conduct of the petitioners, who

yet again made another application for exemption even on 01.07.2023 supported by a medical certificate dated 28.06.2023 showing swelling in the left leg of one of the petitioners namely Jitender Sarangi.

However, without going into the veracity of exemption application, it is the reason recorded by the trial Court, who has gone on to observe that one Dr. Karan Baweja incidentally stated to be present in Court working as Sr. Consultant, Orthopedics, Max Hospital, Gurugram, was asked to give his opinion on the medical certificate produced by the petitioners, who in return opined that both the reports are shown to have no prescription and therefore, nothing serious is mentioned therein. By no stretch of imagination such an examination of medical certificate could be appreciated, as has been dealt by the trial Court and by all probable medical jurisprudence, also the medical certificate do not contain any prescription, as the certificates are never supposed to have any mentioning of the prescription and the manner or the procedure of treatment being provided to a patient. It seems that trial Court in haste went beyond the case file while relying upon a medical opinion from a doctor, who was incidentally present in Court, who opined as stated hereinabove without having a complete record of the medical history of the petitioner namely Jitender Sarangi.

However, at this stage without commenting on the procedure so adopted by the trial Court, since the petitioners are ready and willing to surrender before the trial Court and join the proceedings, the order dated 01.07.2023 (Annexure P-8) is set aside subject to the petitioners surrendering before the trial Court on or before 03.02.2024. In case the petitioners surrender before the trial Court and move an application seeking bail, the same shall be considered and decided by the trial Court in accordance with law on that very day.

Petition stands disposed of.

However, the maintainability of the complaint would remain open as the same has not been pressed at this stage on behalf of the petitioner.

23.01.2024

(SANDEEP MOUDGIL)
JUDGE

Meenu

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