



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-9530-2024

Date of Decision:-17.07.2024

Pee Jay Fabrics Pvt Ltd.

.....Petitioner.

Versus

Raghav Enterprises & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. Jasleen Kaur, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the petition under Section 482 Cr.PC is for issuance of directions to the Court of Judicial Magistrate Ist Class, Ludhiana to dispose of the complaint titled as Pee Jay Fabrics Pvt. Ltd. Vs. Raghav Enterprises & Anr bearing No.1669 of 2021 under Section 138 of the Negotiable Instruments Act within 06 months.

On 18.03.2024 the following order was passed:-

“ The learned counsel for the petitioner contends that CRM-M-No.25936-2023 was filed for quashing of FIR No.207/2021 dated 01.09.2021 under Sections 420 and 120-B IPC registered at Police Station Moti Nagar, Police Commissionerate, Ludhiana, in which this Court passed the following order on 22.05.2023:-

“ The learned counsel for the petitioner contends that the appropriate remedy for the complainant side would be to initiate civil proceedings for recovery and rendition of accounts. Even otherwise, the proceedings under Section 138 of the Negotiable Instruments Act are pending against the petitioner and his co-accused initiated at the instance of the



complainant party. He, therefore, contends that the initiation of the present proceedings are nothing but an abuse of the process of the Court.

Notice of motion.

Mr. Kirat Singh Sidhu, DAG, Punjab, for respondent No.1-State as well as Mr. Himanshu Dhuper, Advocate, accept notice on behalf of the respondent No.2.

Let separate replies on behalf of the respondents be filed on or before the next date of hearing i.e. 28.08.2023 with copies thereof in advance to the counsel opposite.

In the meantime, the proceedings shall remain stayed qua the petitioner only. ”

In the garb of the aforementioned order, the Trial Court has chosen not to proceed in the complaint case bearing No.1669 of 2021 under Section 138 of the Negotiable Instruments Act titled as ‘Pee Jay Fabrics Private Limited versus Raghav Enterprises & Another’.

Notice of motion for 08.04.2024.

In the meantime, it is clarified that the proceedings have been stayed only in FIR No.207 dated 01.09.2021 and the Trial Court is directed to proceed with the matter in accordance with law in complaint case bearing No.1669 of 2021 under Section 138 of the Negotiable Instruments Act titled as ‘Pee Jay Fabrics Private Limited versus Raghav Enterprises & Another’.

The Counsel for the petitioner has brought to the notice of the Court that the Trial has begun in the aforementioned complaint.

In view of the above, the present petition is disposed of with direction to the Trial Court to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.

(JASJIT SINGH BEDI)
JUDGE

July 17, 2024
Vinay

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