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

CRM-M-10858-2024

Date of decision: 29.02.2024

M/s Trimurti Corns Agro Foods (P) Ltd. and Others

...Petitioners

Versus

M/s Devyani Food Industries Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sukesh Kumar Jindal, Advocate and
Mr. Rahul Kumar, Advocate for the petitioners.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioners under Section 482 Cr.P.C. seeking quashing of order dated 21.11.2023 Annexure P-1 passed by the Court of Judicial Magistrate, Ist Class, Gurugram whereby the petitioners are declared as proclaimed persons in a criminal complaint NACT/32156/2018 titled as M/s Devyani Food Industries Limited Vs. M/s Trimurti Corns Agro Foods Private Limited and Others under Section 138 NI Act.

2. The counsel for the petitioners submits that the aforesaid complaint is lodged against the petitioners by respondent with regard to dishonor of one cheque worth Rs.2 lacs. It is further submitted that petitioners are from Pune and on the date fixed before the trial Court they failed to appear in time but even on that date they were ready with cheque

amount of Rs.2 lacs for its payment to the respondent. It is further submitted that even now the petitioners are ready to handover draft of Rs.2 lacs to the respondent and to settle the dispute. It is further submitted that offence under Section 138 NI Act is bailable offence and the petitioners are ready to join the proceedings before the trial Court and to handover bank draft of Rs.2 lacs to respondent. The copy of the earlier draft of Rs.2 lacs dated 19.07.2023 Annexure P-8 is placed on record by the petitioners in order to show their bonafide.

3. Admittedly, the offence under Section 138 NI Act is bailable offence. Further, it appears that the petitioners are ready and willing to join the proceedings before the trial Court and are also willing to handover bank draft worth Rs.2 lacs to the respondent in order to show their bonafide and intention to settle the dispute in an amicable manner.

4. In light of the above, without expressing any opinion on the merits of the case, the present petition is allowed and impugned order is set aside and petitioners are directed to appear before the learned trial Court within next 2 weeks and to deposit bank draft of Rs.2 lacs with the trial Court and on doing so, the petitioners are to be released on regular bail by the said Court to its own satisfaction, however in case, the petitioners failed to do so then the present petition will be deemed to have been dismissed.

29.02.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No