

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

CRM-M-46065-2023

Date of Decision:-09.02.2024

Ajit Menon & Anr.

.....Petitioners.

Versus

Moneywise Financial Services Pvt. Ltd.

.....Respondent.

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

Present:- Mr. Amit Sharma, Advocate for the Petitioners.

Ms. Mehvish Khan, Advocate for

Mr. Kumar Thapa, Advocate for the respondents.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 482 Cr.PC is for the quashing of the Complaint No.NACT-13190 of 2019 under Section 25 of the Payment and Settlement Systems Act, 2007 read with the provisions of Chapter XVII of the Negotiable Instruments Act, 1881, summoning order dated 19.09.2019 (Annexure P-3) and all subsequent proceedings arising therefrom.

On 14.09.2023 the following order was passed:-

“ Due to non appearance on behalf of the petitioners, hearing is adjourned to 07.11.2023.”

Thereafter on 07.11.2023 the following order was passed:-

“ The Prayer in this petition under Section 482 Cr.PC is for the quashing of the Complaint No.NACT-13190 of 2019 under Section 25 of the Payment and Settlement Systems Act,

2007 read with the provisions of Chapter XVII of the Negotiable Instruments Act, 1881, summoning order dated 19.09.2019 (Annexure P-3) and all subsequent proceedings arising therefrom.

A perusal of the paper book would reveal that the summoning order has been passed way back on 19.09.2019 (Annexure P-3). However, the petitioners through their counsel have put in appearance only on 08.04.2022 and even on that date did not appear in person. Subsequent thereto as many as 08 adjournments have been sought and on each occasion the accused have not appeared and applications have been made for their exemption from personal appearance.

List on 07.12.2023.

In the meanwhile, the Trial Court shall submit a report to this Court as to why no coercive steps have been adopted against the petitioners despite the fact that the summoning order was passed way back on 19.09.2019.”

The matter was adjourned to 07.12.2023 and thereafter to 22.12.2023 on which date the following order was passed:-

“ On 07.11.2023, the following order was passed:-

“ *The Prayer in this petition under Section 482 Cr.PC is for the quashing of the Complaint No.NACT-13190 of 2019 under Section 25 of the Payment and Settlement Systems Act, 2007 read with the provisions of Chapter XVII of the Negotiable Instruments Act, 1881, summoning order dated 19.09.2019 (Annexure P-3) and all subsequent proceedings arising therefrom.*

A perusal of the paper book would reveal that the summoning order has been passed way back on 19.09.2019 (Annexure P-3). However, the petitioners through their counsel have put in appearance only on 08.04.2022 and even on that date did not appear in person. Subsequent thereto as many as 08 adjournments have been sought and on each occasion the accused have

not appeared and applications have been made for their exemption from personal appearance.

List on 07.12.2023.

In the meanwhile, the Trial Court shall submit a report to this Court as to why no coercive steps have been adopted against the petitioners despite the fact that the summoning order was passed way back on 19.09.2019.”

Thereafter, on 07.12.2023, the following order was passed:-

“ On request, adjourned to 22.12.2023 awaiting the proceedings before the Trial Court which were posted for hearing on 21.12.2023”.

Today, an adjournment slip has been filed on behalf of the learned counsel for the petitioner.

As per the zimni orders brought before this Court, the case is posted for hearing on 05.02.2024.

Adjourned to 09.02.2024.

It is made clear once again that unnecessary exemptions are not to be granted to the petitioners who are apparently playing hide and seek with the Court.

A copy of this order be forwarded to the Trial Court for necessary compliance.

Today, it has been brought to the notice of this Court that both the petitioners have been declared proclaimed persons as is evident from the order dated 05.02.2024. The relevant extract of the same is reproduced hereinbelow:-

“ Order dated 22.12.2023 passed by Hon'ble Punjab and Haryana High Court in CRM-M-46065-2023 received whereby Hon'ble High Court has directed to this court that unnecessary exemptions are not to be granted to the petitioners (accused) who are apparently playing hide and seek with the court.

As per the above order of Hon'ble High Court, this court has also been directed to submit a report in Hon'ble High Court giving explanation as to why no coercive steps have been adopted against

the petitioners (accused) despite the fact that the summoning order was passed way back on 19.09.2019. However, Reader of this court has informed that this report has already been sent to Hon'ble High Court.

Proclamations issued against accused No. 2 & 3 namely Ajith Menon & Anuradha Menon have received back duly published. The statement of executing constable to the effect is taken on record. Case has been called several times but no one has come present on behalf of the above accused. It is already 03:30 pm. Further wait is not justified. Therefore, this court is satisfied that accused have absconded and as such accused No. 2 & 3 namely Ajith Menon & Anuradha Menon are declared proclaimed persons. Necessary intimation in this regard be sent to the concerned police station.

Complainant is also directed to furnish the list of property of the above accused for initiating proceedings under Section 83 of Cr.P.C. on the next date of hearing. Now to come up on 28.03.2024 for evidence un- der Section 299 of Cr.P.C.

*Sd/-
JMFC/Gurugram/05.02.2024"*

In view of the fact that the petitioners have been declared as proclaimed persons, the question of considering the case on merits does not arise. Therefore, the petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

February 09, 2024
Vinay

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