



CRM-M-55069-2024

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

117**CRM-M-55069-2024**

Date of Decision: 29.11.2024

Anil Kumar Malhotra

....Petitioner

Versus

Axis Bank

....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manish Jain, Advocate
Mr. Siddhant Jain, Advocate and
Mr. Manan Jain, Advocate
for the petitioner.

Mr. D.K. Singal, Advocate
for the respondent-Bank.

ANOOP CHITKARA, J.

Seeking quashing of summoning order dated 18.09.2023 in COMA#5973/2022-"Axis Bank Ltd. vs. Stan Cars Pvt. Ltd. and others, whereby summons have been issued only to the Directors and not the company, petitioner has come up before this Court by filing the present petition under Section 528 BNSS 2023.

2. On 11.11.2024, this Court had passed the following order:-

"Counsel for the petitioner submits that case of the petitioner is covered by the judgment dated 28.10.2024 passed by this Court in CRM-M-53864-2024, as facts of both cases are similar.

Perusal of the order dated 18.09.2023 clearly reflects that all the accused were summoned including the company. Petitioner to explain this aspect on the next date.

List on 29.11.2024."

3. Petitioner's counsel has drawn attention of this Court to last paragraph of the impugned order dated 18.09.2023, which reads as follows:-

"Accordingly, all the accused (accused no.2 and 3 being the directors of the accused no.1) are ordered to be summoned to face trial for the offence under Section 138 of the Negotiable Instruments Act, on filing of PF, copy of complaint for 12.12.2023



Summons be sent through RC/BNPL as well as through ordinary process. Dasti be taken, if desired. List of witnesses be also filed forthwith and positively within 7 days, failing which complainant cannot seek any assistance from the Court.”

4. Petitioner’s counsel submits that words mentioned in bracket i.e. accused no.2 and 3 being the directors of the accused no.1, clearly shows that only these two were summoned, whereas it is incorrect reading of the order because it was an explanation offered by the concerned Judge and order is clear as word is “all the accused”.
5. At this stage, counsel for the petitioner seeks permission to withdraw the present petition with liberty to file a fresh petition, if need arises.
6. Given above, petition is disposed of as having been withdrawn, with liberty as prayed for. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.11.2024
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Whether speaking/reasoned	Yes
Whether reportable?	No