



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-432-2025

Decided on : 10.01.2025

Ashok Kumar

. . . Petitioner

Versus

M/s Smriti Products Pvt. Ltd. and anr

. . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Abhimanyu Kalsy, Advocate for the petitioner.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 528 of BNSS, 2023 seeking quashing of the impugned complaint titled as '***M/s Smriti Products Pvt. Ltd. Vs. M/s A.S. Group of Companies and anr***' filed under Section 138 of the Negotiable Instruments Act, bearing No. COMA/545/2020 (Annexure P-2) as well as the summoning order dated 24.03.2023 (Annexure P-18) passed by learned Judicial Magistrate First Class, Ambala.

2. Learned counsel for the petitioner *inter alia* contends that in the complaint filed by complainant (respondent No.1) against the proprietorship firm i.e. M/s A.S. Group of Companies, petitioner-Ashok Kumar has been projected as an authorized signatory of the said firm. Infact, the petitioner is not an authorized signatory.

3. Learned counsel for the petitioner relies upon the decision of Hon'ble Supreme Court, titled as, '***Bijoy Kumar Moni Vs. Parvesh Manna and another***', passed in Criminal Appeal No. 5556 of 2024 (arising out of SLP (Crl) No. 13133/2024, dated 20.12.2024, ***and*** submits that even



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complaint is not maintainable against the petitioner.

4. Petitioner has approached this Court directly without filing any revision petition before the Court of Sessions and therefore, the present petition is disposed of with an observation and direction that in case petitioner files any revision petition against the complaint/order, which is assailed before this Court in the present petition, within a period of two weeks from today, same shall be decided within a period of two months from the date of its filing in accordance with law.

5. Needless to say that the arguments addressed by the petitioner would be dealt with by the Revisional Court by examining the record before it also.

6. With the aforesaid observations, the present petition is disposed of.

(SANJAY VASHISTH)
JUDGE

January 10, 2025

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*