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

CRM-M-5956-2023

DATE OF DECISION: 01.05.2025

ANJU

...PETITIONER

Versus

BALBIR SINGH BHATIA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Gaurv Gupta, Advocate for the petitioner(s).

None for the respondent.

SANDEEP MOUDGIL, J (ORAL)

This petition has been filed under Section 482 of Code of Cr.P.C. for quashing of complaint No. NACT 927/2021 dated 24.11.2021, titled as 'Balbir Singh Bhatia Vs Davinder Kumar and another' filed by the Respondent U/s 138 of The Negotiable Instrument Act (Annexure P-1), and the summoning order dated 10.08.2022 (Annexure P-5) and the subsequent proceedings pending in the Court of JMIC, SAS Nagar.

On the last date of hearing, the matter was deferred to await the appearance of the respondent even today none has entered appearance on behalf of the respondent-complainant.

Learned counsel for the petitioner submits that no legal notice has ever been served upon the petitioner rather it was her husband namely Davinder Kumar who was served with legal notice dated 12.10.2021 (Annexure P-4). He further submits that the petitioner is not a signatory to cheques in question and the same are allegedly signed by petitioner's husband and these facts are evident from the copy of legal notice dated 12.10.2021 as well as copy of the cheque dated 09.09.2021 (Annexure P-3) which is exhibit as CW-1 before the JMIC, Mohali.

This Court is in agreement with the submissions made by learned counsel for the petitioner and find that there is grave error in the decision of the Trial Court in not appreciating the fact that no legal notice has been issued by the complainant upon the petitioner.

In view of the above, the petition is allowed and impugned complaint (Annexure P-1) and subsequent proceedings i.e. Summoning order dated 10.08.2022 (Annexure P-5) are quashed qua the petitioner. However, the Trial Court is at liberty to proceed further with accused No. 1 namely Daviner Kumar.

(SANDEEP MOUDGIL)
JUDGE

01.05.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>