



CRM-M-31159-2025

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

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Date of Decision: 01.07.2025

NANAKI SINGH AND ANR

...PETITIONERS

VERSUS

NARESH KUMAR

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE H.S.GREWAL

Present: Mr. Ankur Pandey, Advocate for
Mr. Manuj Nagrath, Advocate for the petitioners.

H.S. GREWAL, J. (ORAL)

1. This petition has been filed under Section 528 of BNS for quashing of order dated 03.09.2024 (Annexure P-8) passed by the learned Judicial Magistrate 1st Class, Ferozepur whereby the petitioners have been declared as proclaimed offenders in a complaint bearing NACT/513/2019 dated 16.05.2019, tiled as "Naresh Kumar Vs. International Mega Food Park Ltd and others", under Section 138 of Negotiable Instruments Act, 1881 and summoning order dated 16.05.2019 passed by learned JMIC, Ferozepur whereby the petitioners have been summoned to face trial under Section 138 of the Negotiable Instruments Act, 1881 with a further prayer that proceedings before the learned JMIC, Ist Class, Ferozepur may kindly be stayed.

2. Learned counsel for the petitioners submits that the petitioners are the Directors of the Company. He further submits that petitioner No.1 could not appear before the trial Court as the notices were issued on the wrong address and the proceedings under Section 7 of the Insolvency and Bankruptcy Code, 2016 were initiated and moratorium is, thus, in operation vide order dated 28.02.2019

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therefore, the petitioner No.2 could not be prosecuted under Section 138 of Negotiable Instruments Act, 1881 being the Directors of the Company. He has placed reliance upon the judgment of Hon'ble Supreme Court in **Vishnoo Mittal Vs. M/s. Shakti Trading Company, SLP(Crl) No.1104/2025 INSC 346.**

Hence, the impugned order declaring the petitioners as proclaimed persons deserves to be set aside. He further submits that the petitioners are willing to join the proceedings.

3. I have heard the submissions made by the learned counsel for the petitioners and gone through the case file.

4. In view of the limited prayer made by the petitioners, this Court deems it appropriate to decide this case without issuing notice to the respondent. Keeping in view the facts and circumstances of the case and limited prayer made by the counsel for the petitioners, this Court does not find any legitimate ground to interfere in the impugned order dated 03.09.2024 (Annexure P-8) passed by the learned Judicial Magistrate 1st Class, Ferozepur. However, in case the petitioners surrender before the trial Court within 10 days from today at 10:00 A.M and move an application for grant of regular bail, on their doing so, the trial Court shall consider and decide the same on the same very day.

5. Petition stands disposed of.

01.07.2025*renu***(H.S.GREWAL)
JUDGE**

Whether speaking/ reasoned :
Whether Reportable :

Yes/No
Yes/No