



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

126

CRM-M-8582-2023 (O&M)

Date of decision: 28.01.2026

Harpal Singh Sandhu

....Petitioner

Versus

Manjit Kaur (Since deceased) through Legal Heirs

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Baljinder Singh, Advocate for the petitioner

Mr. Naveen Sheokand, Advocate for the respondent

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the complaint bearing No.NACT/520/2021 dated 02.07.2021 titled as Manjit Kaur versus Harpal Singh, under Section 138 of NI Act; summoning order dated 03.09.2021 as well as all consequential proceedings arising thereto.

2. Learned counsel submits that the petitioner has been erroneously summoned to face the trial for offence under Section 138 NI Act, as firstly, the legal notice was sent by the Special Power of Attorney of Manjit Kaur, that too after she had passed away and secondly, it was served after the expiry of 30 days as prescribed, whereafter even the complaint was instituted belatedly. Thus prays that the complaint and summoning order be set-aside.

3. On the other hand, learned counsel opposite, states that the respondents being the legal heirs of deceased-Manjit Kaur, therefore, the legal notice was rightly issued on 24.02.2021 followed by yet another one, after which, the complaint was instituted on 01.07.2021, within period of limitation, thus the



summoning order has been rightly passed.

4. Heard.

5. As is apparent from the facts, two cheques in question, both dated 27.02.2021, issued by the petitioner to Manjit Kaur, got dishonoured vide memos dated 08.03.2021, who passed away on 03.01.2021. However still, the legal notice sent on 22.04.2021, was based on her Special Power of Attorney, *ergo* the same cannot be held to be valid and as such, illegality/irregularity could have been rectified within the period of limitation only. Be that as it may, it was duly responded to by way of a reply dated 06.05.2021, still yet another legal notice was served on 21.05.2021, to which also a reply was sent on 10.06.2021.

6. Pertinently, the first legal notice issued on 22.04.2021, Annexure P-6, was belated, as the cheques were dishonoured on 08.03.2021 and as per Section 138 (b) of NI Act, the same could be served latest by 06.04.2021. Even the complaint ought to have been instituted by 20.05.2021, it being 30 days from the date, when the cause of action arose, however, came to be filed much later on 02.07.2021, as such complaint bearing No.NACT/520/2021 dated 02.07.2021 titled as Manjit Kaur versus Harpal Singh, under Section 138 of NI Act is quashed.

7. Petition allowed.

(AMAN CHAUDHARY)
JUDGE

28.01.2026

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No