



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

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**CRM-M-12951-2026 (O&M)
Decided on: 08.04.2026**

MAHINDER KUMAR

.....Petitioner

Versus

M/S. NITYA POULTRY

...Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sanjeev Kumar Aggarwal, Advocate
for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 528 B.N.S.S. for quashing of complaint bearing CIS No. NIA/638/2023 (Annexure P-1) dated 05.09.2023 filed by the respondent-complainant against the petitioner, as also the summoning order dated 18.11.2023 (Annexure P-2) and the order for notice of accusation dated 06.04.2024 (Annexure P-3).

2. Learned counsel for the petitioner contended that the trial Court failed to appreciate the provisions of Section 138 of the Negotiable Instruments Act, 1881; that the legal notice dated 03.08.2023 allegedly issued by the respondent-complainant to the petitioner-accused vide registered AD was returned with remarks that addressee could not be found on inquiry and phone number is wrong and thus, the said legal notice was not served upon the petitioner; that after service of notice of accusation, the respondent-complainant did not appear before the trial



Court for the next seven dates of hearing i.e. from 23.08.2024 till 14.01.2026; the cheque (Ex-C1) given to the respondent, was a security cheque given in the year 2020 and was subsequently, manipulated by the complainant after more than three years.

3. Heard and paper book perused.

4. The nature of order this Court proposes to pass, no notice is required to be issued to the respondent.

5. As per the facts and circumstances of the present case, the contentions raised by learned counsel for the petitioner and the fact that the address of the petitioner as mentioned in the present petition as well as in the complaint are identical, the legal notice was duly sent to the petitioner-accused through registered AD and as such, a legal notice even if returned unserved, the service would be deemed as valid. Further, with regard to challenging the impugned notice of summon as well as notice of accusation, this Court is of the considered view that the petitioner has approached this Court directly, without availing the efficacious remedy available to him by way of filing revision petition before the Sessions Court. Hence, in view of aforesaid discussion, this Court does not find any merit in the present petition and the same is hereby dismissed.

(SUBHAS MEHLA)
JUDGE

08.04.2026

Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO