



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

135

CRM-M-33371-2017(O&M)

Date of decision: 18.05.2026

Inderjit Singh

...Petitioner(s)

VERSUS

Iris Computers Limited

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. Munish Gupta, Advocate for the respondent.

VINOD S. BHARDWAJ, J. (Oral)

The present first petition has been filed for seeking quashing of Criminal Complaint filed under Section 138 of the Negotiable Instruments Act, 1881 bearing case No.138 NI Act/3057/2016 registered on 05.03.2016 at Gurgaon titled as “Iris Computers Limited Vs. Inderjit Singh” as well as summoning order dated 25.10.2016 passed by the Judicial Magistrate First Class, Gurgaon, whereby the petitioner was summoned to face trial in the aforesaid complaint.

2. The matter came up for hearing on 11.09.2017, where counsel for the petitioner had raised a submission that vide order dated 02.07.2015 passed by the Chief Metropolitan Magistrate, Patiala House, New Delhi, the complaint had been returned to the petitioner in terms of Section 201 Cr.P.C. and as per clause 3 of the Negotiable Instruments (Amendment) Ordinance 2015, which came into existence on 15.06.2015, with the remark that the Court at Delhi had no jurisdiction to try the petition. He further contended that the complaint was thereafter re-presented before the Competent Court after a delay of 216 days alongwith an application seeking condonation of

delay but no reasons were specified for seeking condonation of delay.

3. The Trial Court was directed to adjourn the case beyond the date fixed.

4. Counsel for the petitioner contends that since the petitioner did not re-present the complaint before the Competent Court within the timelines as prescribed under Section 138 read with Section 142 of the Negotiable Instruments Act, 1881, the same could not have been entertained.

5. Counsel for the respondent however contends that the issue has been wrongly raised by the petitioner since it is not a case of an original presentation of the complaint and rather it is an issue of re-presentation of the complaint. The issue as regards the delay in re-presentation itself would give rise to mixed question of law and fact that should not be gone into by the High Court in exercise of its original jurisdiction. It is further contended that as a matter of fact two complaints had been instituted by the respondent-Company against two persons i.e. the petitioner herein and one Savneet Kaur. In the said case as well, the complaint had been returned for want of jurisdiction, the said complaint was later re-presented before the Competent Court after a delay of 496 days. The accused therein was also summoned by the Trial Court whereupon, while raising identical issue and ground of challenge, CRM-M-31299-2017 titled "Savneet Kaur Vs. Iris Computers Ltd." was filed before this Court. The said petition was disposed of vide order dated 10.05.2022 allowing the parties to raise all pleas before the Trial Court and that the objections and issues raised therein were also directed to be decided by the Trial Court.

6. Even though counsel for the petitioner contends that the stage of

the trial in both the cases is different, however, he does not dispute that the complaint in question was under similar circumstances and this Court had not accepted the arguments advanced by the counsel for the petitioner therein and noticing that the issue would be a mixed question of fact and law, disposed of the said petition with liberty to the parties to take all pleas before the Trial Court.

7. Without examining the issue any further, I am of the view that since the issue involved in the present case is identical to the issue brought before this Court in CRM-M-31299-2017 titled “Savneet Kaur Vs. Iris Computers Ltd.”, hence, the present petition is disposed of in terms of the order dated 10.05.2022 passed in *Savneet Kaur Vs. Iris Computers Ltd. (supra)*.

8. Pending application(s), if any, shall stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

18.05.2026

Sumit Gusain

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No