



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

(139)

CRM-M-25078-2022(O&M)

DATE OF DECISION: 18.03.2026

Deepak Kumar

.....Petitioner

VERSUS

BCL Homes Ltd. and others

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr. Hitesh Verma, Advocate,
for Ms. Rajvinder Kaur, Advocate,
for the petitioner.
Mr. Vipul Sharma, Advocate,
for Mr. Paras M. Goyal, Advocate,
for respondents.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 482 Cr.P.C praying for quashing of impugned order dated 17.03.2015, passed by learned Additional Sessions Judge, Barnala (Annexure P-3), dismissing the revision petition preferred by the petitioner against the impugned order dated 10.09.2014 (Annexure P-2), passed by learned Judicial Magistrate Ist Class, Barnala, whereby Complaint No.77 dated 09.06.2014 under Section 138 of Negotiable Instruments Act (Annexure P-1) was ordered to be returned.

2. Learned counsel for the petitioner contends that the complaint under Section 138 of Negotiation Instruments Act was earlier filed before Chief Judicial Magistrate, Barnala but same was dismissed for want of territorial jurisdiction, and the revision petition preferred thereafter was also dismissed; that subsequently, an amendment was carried out in Section 142(2) of the Negotiable Instruments Act and the petitioner, accordingly,



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moved an application for restoration of complaint in the year 2016, which remained pending before the learned Magistrate for a period of seven years and was ultimately dismissed vide order dated 18.01.2022; that the case of the petitioner is covered by the judgment passed by a Coordinate Bench of this Court in CRM-M-11953-2016, decided on 25.02.2019. Hence, a prayer has been made for acceptance of the present petition and for restoration of Complaint No. 77 dated 09.06.2014 (Annexure P-1).

3. On the other hand, learned counsel appearing on behalf of respondents No. 1 to 3 has opposed the submissions made on behalf of the petitioner and has prayed for dismissal of the present petition.

4. Heard.

5. After hearing learned counsel for the parties and perusing the record, this Court finds merit in the present petition. It is not in dispute that the earlier complaint and the revision petition were dismissed for want of jurisdiction. However, subsequent to the same, an amendment was carried out in Section 142(2) of the Negotiable Instruments Act, which has a material bearing on the issue of jurisdiction. The petitioner had promptly moved an application for restoration in the year 2016, which remained pending for an inordinate period of seven years before the learned Magistrate and was ultimately dismissed vide order dated 18.01.2022.

6. This Court further finds that the issue involved in the present case is squarely covered by the judgment passed by a Coordinate Bench of this Court in CRM-M-11953-2016 decided on 25.02.2019, wherein in similar circumstances, the relief of restoration was granted.



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7. In view of the above and in the interest of justice, the present petition is allowed. The impugned order dated 17.03.2015 (Annexure P-3) is set aside and the complaint No.77 dated 09.06.2014 (Annexure P-1) is ordered to be restored to its original number.
8. The learned trial Court shall proceed with the matter in accordance with law.
9. **Disposed of** in the above terms.
10. All pending misc. applications, if any, be also disposed of.

18.03.2026
mamta

(SUBHAS MEHLA)
JUDGE

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