



**In the High Court for the States of Punjab and Haryana  
at Chandigarh**

**122**

CRM-M-58647-2025 (O&M)  
Date of Decision:- 16.04.2026

Jaswinder Singh ... Petitioner

Versus

Manish Khandoori ... Respondent

**CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present:- Mr. Vikas Kumar Gupta, Advocate for the petitioner.

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**SUBHAS MEHLA, J.** (Oral)

1. Present petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, for quashing of order dated 05.02.2025 (Annexure P-1) passed by learned JMIC, Mohali in a complaint case bearing No.NACT 249 of 2022, vide which complaint has been dismissed in default for non-prosecution.
2. Learned counsel for the petitioner submitted that the complaint dated 07.03.2022 was instituted under Section 138 of the Negotiable Instruments Act, 1881. It is submitted that the original cheque was lost, and in order to prove the transactions between the parties as well as the cheque, the petitioner had summoned bank officials as witnesses. However, the accused had not yet been summoned by the trial Court. On 05.02.2025, the case was fixed for complainant's evidence, however, the complaint was dismissed in default for non appearance, such non appearance was not intentional but due to some miscommunication. It is further submitted that the petitioner applied



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for a certified copy of the order on the same day, demonstrating bona fide conduct. It is further submitted that an irreparable loss would be caused if the complaint is not restored, and no prejudice would be caused to the accused.

3. Heard.

4. Considering that the complaint is at an initial stage and that the petitioner may suffer irreparable loss, this Court finds it appropriate, in the interest of justice, to allow the petition. Accordingly, the order dated 05.02.2025 is set aside and the trial Court is directed to restore the complaint to its original number and proceed further in accordance with law. However, the petitioner is directed to deposit costs of ₹1,000/- with the concerned District Legal Services Authority.

5. Receipt regarding deposit of aforesaid cost be produced before Court concerned. It is made clear that if cost is not deposited within one month i.e. upto 16.05.2026, present petition shall be deemed to be dismissed.

16.04.2026  
Geeta

( SUBHAS MEHLA )  
JUDGE

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |