SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2329/2026 M/s Gyanvi Auto Engineering Pvt Ltd and Another --Applicant **Versus** Jetsar Industries --Respondent **Hon'ble Alok Mahra, J.** Mr. Pankaj Kumar Sharma, learned counsel for the applicant. 2. The present C-528 Application has been filed seeking quashing of the summoning order dated 21.01.2026, along with the entire proceedings of Complaint Case No. 30 of 2026, *Jetstar Industries vs. M/s Gyanvi Auto Engineering Private Limited and Another*, under Section 138 of the Negotiable Instruments Act, 1881. 3. The ground taken in the present application to challenge the summoning order is that no pre-cognizance notice was issued to the applicant, as contemplated under the proviso to Section 223(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023. 4. After hearing learned counsel for the parties and considering the judgment of the Hon'ble Apex Court in *Sanjabij Tari vs. Kishore S. Borcar*, 2025 SCC OnLine SC 2069, this Court finds that the Hon'ble Apex Court has held that, in proceedings under Section 138 of the Negotiable Instruments Act, there is no requirement of issuing pre-cognizance notice to the accused. Section 142 of the Negotiable Instruments Act, being a provision of a special statute, would prevail over the

general provisions of the BNSS. It is a settled principle of law that the provisions of a special enactment prevail over those of a general enactment.

5. Furthermore, the Hon'ble Apex Court has also taken into consideration Section 143(2) of the Negotiable Instruments Act, which provides that the trial of cases under Section 138 of the said Act shall, as far as practicable, be concluded within a period of six months from the date of filing of the complaint.

6. In view of the aforesaid legal position, the issuance of pre-cognizance notice in proceedings under Section 138 of the Negotiable Instruments Act is not mandatory.

7. Accordingly, no ground for interference is made out in the present application. The C-528 application is, therefore, dismissed.

8. However, learned counsel for the applicant submits that the applicant is ready and willing to repay the entire cheque amount alleged to have been dishonoured. In view of the said submission, it is left open to the applicant to appear before the court of the concerned Magistrate and move an appropriate application expressing his readiness and willingness to pay the entire cheque amount. The learned Magistrate may consider the same in accordance with law.

(Alok Mahra, J.)
03-11-2026

SNB