
(2025) 09 P&H CK 1016

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous (M) No. 51767 Of 2025

Chirag Pittie And Others

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 15-09-2025

Acts Referred:

Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 528
Negotiable Instruments Act, 1881 — Section 138, 141, 142, 143A

Citation : (2025) 09 P&H CK 1016

Hon'ble Judges : Subhas Mehla, J

Bench : Single Bench

Advocate : Ravinder Kumar, Pearl Narang, Chirag Madan, Karan Veer Singh

Final Decision : Dismissed

Judgement

Subhas Mehla, J

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for quashing complaint dated 04.10.2023 filed under Sections 138/141/142/143A of Negotiable Instruments Act, 1881 (for short 'NI Act') in case titled as M/s Indiabulls Commercial Credit Ltd. Vs. Akashganga Industries' bearing NACT No.93071 of 2023; as also summoning order dated 04.10.2023, whereby, the petitioners have been summoned to face trial under Section 138 of NI Act.

2. The complaint in question has been preferred by respondent No.2 alleging that petitioners had issued cheque No.000142 dated 26.07.2023 amounting to ₹ 83,92,461/-, in order to discharge their liability. The said cheque, on presentation to banker, got dishonoured with remarks 'Title of Account Required'. Thereafter, complainant served a legal notice for demanding the cheque amount, but petitioners failed to make the payment and complainant filed the present complaint before the court of learned Judicial Magistrate 1st Class, Gurugram, wherein, petitioners have been summoned under Section 138 of NI Act vide

impugned order dated 04.10.2023.

3. Learned counsel for the petitioners contended that summoning order suffers from patent illegality that has been passed without application of judicial mind and the same is contrary to the settled principle of law. It is further contended that the cheque in question was returned with remarks 'Title of Account Required', which is merely a technical error and does not attract liability under Section 138 of NI Act and the same is attracted only when dishonour occurs due to insufficient funds; amount exceeding account balance; stop payment or signature mismatch.

4. Heard.

5. The complainant is a non-banking financial company and is engaged in the business of finance and advancing loans etc. Petitioners had issued cheque dated 26.07.2023 amounting to ₹ 83,92,461/-, which got dishonoured with remarks 'Title of Account Required'. Thereafter, legal notice dated 29.08.2023 was issued by the complainant but neither any reply was given by the petitioners nor had they contacted the complainant qua the payment of the amount in question. The conduct of the petitioners is only to misuse the process of law and to delay the proceedings as the present petition has been filed after two years of filing of the complaint. Petitioners did not challenge the summoning order passed in the complaint and it is not a case that they have replied to the legal notice and are interested to discharge their liability. Moreover, cheque is not disputed and summons were issued to the petitioners.

6. In the case in hand, the petitioners have approached this Court under Section 528 of BNSS (erstwhile 482 of CrPC). The inherent jurisdiction, though wide and expansive, has to be exercised sparingly, carefully and with caution and only when such exercise is justified by the tests specifically laid down in the section itself, that is, to make orders as may be necessary to give effect to any order under the Code, to prevent the abuse of the process of any Court or to otherwise secure the ends of justice. Moreover, petitioners have the appropriate legal remedy to file revision before the competent Court. Inherent powers under Section 528 BNSS can be invoked when an alternative remedy is not available to the party, therefore, keeping in view the factual matrix of case in hand as well as the act and conduct of the petitioners, there exist no reason to exercise the extraordinary power vested in this Court.

7. This Court does not find any merit in the petition and the same is accordingly dismissed.