

**IN THE COURT OF GURPREET KAUR, PCS,  
CIVIL JUDGE (JUNIOR DIVISION), DERABASSI  
(UID No.PB0676)**

CIS No.NACT 157/2016  
CNR No.PBSAB10004222016  
**Date of Decision : 01.08.2025**

1. M/s Aggarwal Agenices, Earlier SCO-1 & 2 basement, Kaligidhar Enclave, Batlana, Zirakpur, District Mohali, now at First Floor Kuber Enterprises, near Central Bank of India, Bhabat Road, Zirakpur, District Mohali through its proprietor Sh. Ramesh Chander Aggarwal @ Ramesh Aggarwal.

2. Sh. Ramesh Chander Aggarwal @ Ramesh Aggarwal proprietor of M/s Aggarwal Agencies, Earlier SCO1 & 2 basement, Kaligidhar Enclave, Batlana, Zirakpur, District Mohali, now at First Floor Kuber Enterprises, near Central Bank of India, Bhabat Road, Zirakpur ,District Mohali

**Versus**

1. M/s Ostin Pharmaceuticals, 2 Balaji Nagar, Near Gayatri Temple, Kamla Nagar, Agra (U.P) through its proprietor Bhushan Kukreja.

2. Bhushan Kukreja Proprietor of M/s Ostin Pharmaceuticals, 2 Balaji Nagar, Near Gayatri Temple, Kamla Nagar, (U.P)

**.....Accused**

**Application Under Section 258 Cr.P.C to drop the proceedings in the said complaint case.**

Present: Sh. Nitin Kaushal Advocate the complainant  
Accused on bail with counsel Sh. Vishal Sharma Advocate

**ORDER:-**

Vide this order I shall be disposing of application under Section 258 Cr.P.C to drop the proceedings filed by the accused.

2. The present application is filed by the applicant/accused under Section 258 Cr.P.C to drop the proceedings of the present complaint submitting that accused Bhushan Kukreja, who is the drawer of the cheque in dispute has not received any notice in his name nor no notice has been served upon the accused. It is mandatory provision under Section 138 of Negotiable Instrument Act that the notice before filing of the complaint be given in the name of the drawer of the cheque and if no

notice is given in the name of accused, the complaint will be rendered is invalid and is not maintainable in the eyes of law.

3. Reply to the said application not filed by the complainant. However, the Ld. counsel for the complainant made orally submission that the present complaint is filed against M/s Ostin Pharmaceuticals through its proprietor Bhushan Kukreja. The cheque Ex.C1 also bears the signatures of proprietor of M/s Ostin Pharmaceuticals. Further, the notice was served on M/s Ostin Pharmaceuticals through its proprietor Bhushan Kukreja. The legal notice accompanied by postal receipt dated 28.03.2016. Therefore, the submission that no notice was served upon the accused are baseless. Further, the Ld. counsel for the complainant also argued that the accused has filed revision against the summoning order dated 15.07.2016. The said revision was dismissed. Thereafter, the accused intentionally did not appear in the case from the year 2016 to 2023. Now the accused has malafidly filed the present application in order to delay the proceedings of the present case. Accordingly, the present application deserves to be dismissed.

3. I have bestowed my thoughtful consideration to the arguments raised by both the parties. Before further proceeding in the matter, it is necessary to put some light upon the provision of Section 258 Cr.P.C, which provides as under:-

***"power to stop proceedings in certain cases:-** in any summons case instituted otherwise than upon complaint, a Magistrate of the first class or, with the previous sanction of the Chief Judicial Magistrate, any other judicial Magistrate, may, for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment and where such stoppage of proceedings is made after the evidence of the principal witnesses has been recorded, pronounce a judgment of acquittal, and in any other case, release the accused, and such release shall have the effect of discharge".*

Perusal of the file reveals that the present complaint under Section 138 of Negotiable Instrument Act is filed against accused M/s Ostin Pharmaceuticals through its proprietor Bhushan Kukreja on the allegations that abovesaid accused issued cheque dated 03.03.2016 in discharge of his legal liability towards the complainant. The legal notice dated 28.03.2016 was also issued in the name of M/s Ostin Pharmaceuticals through its proprietor Bhushan Kukreja vide postal receipt dated 28.03.2016. The question whether the notice was duly served upon the accused or not is matter of trial. At this stage, there is exist no ground to drop the proceedings of the present case. Accordingly, the present application to drop the proceedings of the present case stands dismissed being devoid on merits.

**Pronounced:**  
**Dated: 01.08.2025**  
**(Sarla)**  
***Stenographer Gr-II***

**(Gurpreet Kaur), PCS**  
**Judicial Magistrate First Class**  
**Dera Bassi /(UID : PB0-676)**