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

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**CRM-M-16946-2026
Decided on: 23.04.2026**

M/S SEWAKUNJ MOTOR PVT. LTD. AND ANOTHER

.....Petitioners

Versus

AXIS BANK LIMITED

...Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sarbjit Singh Sidhu, Advocate for the petitioners.
Mr. Udai Yash Vir Singh, Advocate with
Mr. Samarth Suri, Advocate & for
Mr. Sandeep Suri, Advocate for the respondent-Bank.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 528 of B.N.S.S for quashing/setting aside the impugned order dated 20.10.2022 (Annexure P-7) passed by the learned Judicial Magistrate Ist Class, Ludhiana and the complaint bearing No.4348 of 2015 u/s 138 of N.I Act Annexure P-1 filed by the respondent as well as all the consequential proceedings and orders arising thereof.

2. Learned counsel for the petitioner contended that the respondent/complainant filed complaint under Section 138 of Negotiable Instrument Act for dishonour of the cheque alleged to be issued by the petitioner's party and the said complaint is legally defective and not maintainable. It is further contended that the complaint is pursued by Sandeep Baweja Deputy Manager on the basis of Power of Attorney (Annexure P-2) whereby, he is not properly authorized & competent to pursue the complaint as, no original copy of the resolution and minutes of meeting is placed on record nor produced so as to show that Sandeep



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Baweja is authorized to pursue the complaint on behalf of the complainant bank and as such he is not competent to depose in the said case. The alleged transaction pertains to the years prior to joining of the service by Sandeep Baweja. It is also contended that the petitioners filed an application for dismissal of the complaint but the same was dismissed vide impugned order dated 20.10.2022 (Annexure P-7), hence the present petition.

3. Learned counsel for the complainant contended that the authorized representatives with knowledge of transaction can initiate proceedings; and complaints ought not to be quashed on mere technicalities. The aforesaid contentions can be raised before the trial Court at an appropriate stage of trial and in support thereof, has placed reliance on judgment of Hon'ble Supreme Court in case titled as "M/s.Naresh Potteries Vs. M/s. Aarti Industries and Another" passed in case bearing Criminal Appeal No.7 of 2025 arising out of SLP (Crl) No.8659 of 2023 dated 02.01.2025.

5. On this, learned counsel for the petitioners seeks to withdraw the present petition with liberty to raise all pleas which have been taken before this Court, before the trial Court, at the appropriate stage.

6. Permitted to do so.

7. Accordingly, the present petition is dismissed as withdrawn, with liberty aforesaid.

(SUBHAS MEHLA)
JUDGE

23.04.2026
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO