

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 2432/2026

1. Som Prakash Sharma S/o Bajrang Lal Sharma, Aged About 52 Years, R/o Village Dudhwakhara, Tehsil And District Churu Raj..temporary Address Ward No.03, Opposite Jitmal Flour Mill, Behind Jatabadi,tehsil And District Churu Raj..
2. Mamta Vinod Yadav W/o Vinod Yadav, Aged About 40 Years, R/o 1St Floor, Room No. 101, Wing-B, Shiv Sai Co-Operative Housing Society, Pawar Nagar, Thane, West Mumbai Maha.

----Petitioners

Versus

Lekh Ram S/o Purna Ram, R/o Village Aslu, Post Lakhau, Tehsil And District Churu Raj..

----Respondent

For Petitioner(s)	:	Mr. Hardik Gautam
For Respondent(s)	:	-----

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

28/03/2026

The present criminal miscellaneous petition has been filed under Section 528 BNSS for quashing the order dated 18.09.2023 as well as the entire proceedings pending in Case No. 4649/2025 before the learned Chief Judicial Magistrate, Churu, arising out of a complaint filed under Section 138 of the NI Act.

Learned counsel for the petitioners submits that, in the present case, the cheque was issued by the company and the petitioners are merely authorized signatories. However, the company has not been impleaded as a party respondent in the complaint. Learned counsel for the petitioner has relied upon the

case of ***Aneeta Hada vs. Godfather Travels and Tours Private Limited***, reported in (2012) 5 SCC 661, wherein the Hon'ble Apex Court has clearly held that without arraying the company as a party respondent, where the cheque is issued by the company, the complaint cannot be maintained.

In view of the above, the entire proceedings as well as the cognizance order have been challenged.

This Court has considered the arguments advanced by learned counsel for the petitioners as well as the judgment of the Hon'ble Apex Court in ***Anita Hada (supra)***. This Court finds that, prima facie, there is substance in the submissions made on behalf of the petitioners.

Accordingly, this Court is inclined to interfere in the matter.

Issue notice, returnable within four weeks.

Until the next date, further proceedings in Case No. 4649/2025 pending before the learned Chief Judicial Magistrate, Churu, shall remain stayed.

(BALJINDER SINGH SANDHU),J