

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Appeal No. 450 of 2012
Reserved on: 25.9.2026
Date of Decision: 05.10.2026.

Him Techno Forge Ltd.	 Petitioner
Versus	
Allied/Asia Gears Ltd. & anr.	 Respondents

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?¹ No.

For the Petitioner	:	Mr Kulwant Chauhan, Advocate.
For Respondent No.1	:	Ms Tim Saran, Advocate.
For Respondent No.2	:	None.

Rakesh Kainthla, Judge

A complaint was filed before the learned Sub-Divisional Judicial Magistrate, Nalagarh, District Solan, (learned Trial Court) by the complainant, Him Techno Forge, for the commission of an offence punishable under Section 138 of Negotiable Instruments Act (NI Act) in which Allied Asia Gears Limited was arrayed as accused No. 1. Arjun T. Kukreja, Ramesh Chand Torani, Prem Kalwani, Vikas Torani, and Mrs Megha Torani were arrayed as accused Nos. 2 to 6.

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

2. Vikas Torani and Mrs Megha Torani filed Cr.MMO No. 88 of 2007, and this Court held that the learned Magistrate had erred in summoning them and quashed the complaint against them.

3. Prem Kalwani filed Cr.MMO No. 70 of 2008, and this Court held that he was not a director of the company and the complaint against him was not maintainable; hence, the proceedings were quashed qua him.

4. A statement was made by Mr Gurmeet Singh, authorised signatory of the complainant, on 06.08.2011 that he did not want to press the complaint against Megha, Vikas, and Ramesh Torani. Thus, the complaint continued against Allied Asia Gears and Mr Arjun T. Kukreja. However, the learned Trial Court held that Mr Arjun T. Kukreja could not be held responsible for the dishonour of the cheque alone when the complainant had withdrawn the complaint against others, including Allied Asia Gears. This was a pure misreading of the record, which adversely affected the reasoning of the learned Trial Court.

5. The learned Trial Court also held that Mr Arjun T. Kukreja was not the director of the company on 23.12.2002.

However, there is no finding regarding the liability of the company, which is a distinct juristic person and could have been held liable even if the Director was not found to be liable.

6. Therefore, in these circumstances, there is no option but to remit the matter to the learned Trial Court to decide it afresh, taking note of the statement made by the complainant on 06.08.2011, wherein the company remained an accused.

7. The parties, through their learned counsel, are directed to appear before the learned Trial Court on_____.

8. The record of the learned Trial Court along with the copy of this order be sent forthwith to reach the learned Trial Court well before the date fixed.

9. The present appeal stands disposed of and also the pending miscellaneous application(s), if any.

10. The observations made hereinbefore shall remain confined to the disposal of this appeal and will have no bearing, whatsoever, on the merits of the complaint.

(Rakesh Kainthla)
Judge

5th October, 2026
(Chander)