

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

CRM-4544-M-2004 (O&M)

Date of decision : 11.02.2015

S.N. Roy

...Petitioner

Versus

M/s Raizo Plasto Pvt. Ltd.

...Respondent

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Kamal Sehgal, Advocate for the petitioner.

Mr. Amit Jain, Avdocate for the respondent.

**JITENDRA CHAUHAN, J. (Oral)**

The present petition under Section 482 of the Code of Criminal Procedure, (for short, 'the Cr.P.C.') is for quashing criminal complaint titled as "M/s Raizo Plasto Pvt. Ltd. Vs. N.K. Aggarwal, Branch Manager and another", under Sections 406, 409, 120-B of the Indian Penal Code, pending before the Court of learned Judicial Magistrate 1<sup>st</sup> Class, Hisar, (Annexure P-3) along with summoning order dated 19.01.2004 (Annexure P-4), and all subsequent proceedings flowing therefrom.

It is contended that the petitioner was not holding the charge of the Managing Director of the Haryana Financial Corporation

during the relevant time. The allegations pertain to the period 21.01.2000 to 08.08.2002, whereas, the petitioner took the charge as such on 02.01.2003. The allegations in the complaint are that the accused in collusion with the security people removed the valuable machinery parts and material, however, the security people have not been made accused. Much prior to the registration of present FIR on 16.02.2000, the Haryana Financial Corporation had lodged a complaint regarding removal of the machinery by the complainant. There is no such allegation in the civil suit filed by one of the directors on 19.07.2002.

On the other hand, the learned counsel for the respondent has vehemently opposed the present petitioner.

Heard.

The primary contention raised is that the petitioner was not the Managing Director of the Haryana Financial Corporation, at the relevant time. The allegations pertain to the period during 21.01.2000 to 08.08.2002, whereas, the petitioner assumed the charge as Managing Director, on 01.01.2013. The learned counsel for the respondent has not been able to refute this factual position. Thus, the petitioner cannot be held vicariously liable for the offence, if any, committed by the officer who was the Managing Director at the relevant time.

In this view of the matter, this Court is of the considered

opinion that the present criminal proceedings against the petitioner are an abuse of the process of law and deserve to be quashed.

Consequently, the present petition is allowed, criminal complaint titled as “M/s Raizo Plasto Pvt. Ltd. Vs. N.K. Aggarwal, Branch Manager and another”, under Sections 406, 409, 120-B IPC, pending before the Court of learned Judicial Magistrate 1<sup>st</sup> Class, Hisar, (Annexure P-3), summoning order dated 19.01.2004 (Annexure P-4), and all subsequent proceedings flowing therefrom, are hereby quashed qua the present petitioner.

**11.02.2015**  
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**(JITENDRA CHAUHAN)**  
**JUDGE**

*Note : Whether to be referred to reporter ? Yes / No*