

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

CRM-M- 24503 of 2010 (O&M)

Date of Order: 01.10.2015

V.K. Sachdeva

....Petitioner

Versus

Haryana State Industrial Corporation Ltd

....Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Petitioner-V.K. Sachdeva in person.
Mr. Rajesh Hooda, Advocate for the respondent.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J (ORAL)

Prayer is for quashing of Complaint No.247 dated 03.06.1998 under Section 138 of the Negotiable Instruments Act, 1881 and the summoning order dated 23.07.1998 passed by the learned JMJC, Chandigarh.

Petitioner was Director of M/s Pam Rafia Ltd 752, Sector 8-B, Chandigarh at one point of time. It is alleged that he resigned on 23.5.1997. On 15.4.1998, the Managing Director of the Company issued cheque to the respondent on behalf of the Company, which was dishonored on 20.4.1998. Notice was issued on 29.4.1998 and thereafter a complaint was filed. Petitioner on having been summoned by the learned trial Court has approached this Court.

Petitioner has argued that in the Annual Return for the year 1997, the resignation of the petitioner from the Company has been mentioned and in this connection, he has relied upon a judgment of Hon'ble

Supreme Court reported as **Anita Malhotra Vs. Apparel Export Promotion Council.**

Learned counsel for the respondent has not disputed that in the Annual Return for the year 1997 (P.6), it has been recorded that the petitioner had resigned from the Company but as per him, the petitioner can well establish this fact during the trial.

In my view, the argument of the petitioner has to carry weight because in **Anita Malhotra's case (supra)**, Hon'ble Supreme Court held that the fact of resignation if mentioned in the Annual Return would be justified to quash the complaint.

In view of the aforesaid, the present petition is allowed and Complaint No.247 dated 03.06.1998 under Section 138 of the Negotiable Instruments Act, 1881 titled Haryana State Industrial Development Corp. Ltd Vs. M/s Pam Rafia Ltd and Ors and the summoning order dated 23.07.1998 are quashed qua the petitioner.

October 01, 2015
manoj

(AJAY TEWARI)
JUDGE