

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

CRM No.M-5531 of 2014

Date of Decision: January 19, 2015

Shri Divya Tosh Dass

.... Petitioner

vs.

M/s M-Tech Solutions Trading Company (Firm) Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.K. Verma, Advocate for the petitioner.

Mr. Amandeep Rana, Advocate for the respondent.

1. Whether Reporters of Local Newspapers 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?

Kuldip Singh J.(Oral)

Petitioner Shri Divya Tosh Dass has sought the quashing of the complaint No.341 of 07.05.2013 (Annexure P-1), under Sections 138, 139, 140, 141 and 142 of the Negotiable Instruments Act, 1881 (in short 'the N.I. Act') and Section 420 of the Indian penal Code, 1860 and the summoning order dated 14.06.2013 (Annexure P-2), whereby the petitioner has been summoned under Section 138 of the N.I.Act.

A perusal of the complaint shows that in this case, two companies ADVIONS INFRA & BASIC AMENITIES LTD. at New Delhi were made accused Nos.1 and 2. It is alleged that accused No.2-Company issued cheque through its partner-petitioner

Shri Divya Tosh Dass. The petitioner is also made accused No.3. He is alleged to have issued cheque. The cheque placed on the file does not bear the signature of the petitioner. The petitioner has placed on file Form No.32 (Annexure P-3) to show that he had joined the said company as Director on 11.07.2009 and another Form No.32 (Annexure P-4) to show that he resigned from the post of Director of the Company on 24.07.2009, which means that on the date of issuance of the cheque i.e. 29.12.2012, he had nothing to do with the said company.

It being so, the complaint (Annexure P-1) qua the present petitioner along with the summoning order dated 14.06.2013 (Annexure P-2) stands quashed. However, the petition against the remaining accused shall remain intact.

Ordered accordingly.

January 19, 2015
sarita

(KULDIP SINGH)
JUDGE