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

CRM-M-5628 of 2015

Date of decision: February 20, 2015

Ramandeep Sharma

.....Petitioner

Versus

M/s Parvati Ceramics

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Anil Chaudhary, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition seeking quashing of the criminal complaint No.85 dated 29.10.2014 (Annexure P-4), under Section 138 of the Negotiable Instruments Act, 1881 ('Act' for short) and summoning order dated 29.10.2014 (Annexure P-5).

Learned counsel for the petitioner has submitted that in fact, petitioner is having dispute with the other directors of the Company. Petitioner has been falsely involved in this case by the other directors in connivance with the complainant.

Respondent has filed the complaint under Section 138 of the Act (Annexure P-4) qua dishonour of cheque dated 03.09.2014 in the sum of ₹50,000/-. In support of his complaint, complainant led his preliminary evidence. Vide impugned summoning order dated 29.10.2014 (Annexure P-

5), all the accused were ordered to be summoned to face the trial qua commission of offence punishable under Section 138 of the Act. Complainant had prima facie established that the cheque in question was presented for encashment, but the same was dishonoured by the Bank with the remarks “funds insufficient”. Admittedly, petitioner is the director of the Company M/s Aar Kay Multi Metals Private Limited, Sirhind. The fact that the petitioner is having a dispute with the other directors of the Company, is no ground to quash the complaint or the summoning order. Petitioner would be at liberty to take up all the pleas available to him during trial, before the trial Court.

Dismissed.

**(SABINA)
JUDGE**

February 20, 2015

m.singh