

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 920 of 2016**

- Sanchaita Bhanja S/o Subhash Chandra Bhanja Aged About 48 Years R/o. N-4/208, I.R.C. Gram, Nayapalli, P.S. Nayapalli, Bhuneshwar (Odisha) - 751015.

---- Petitioner**Versus**

1. Abis Export (I) Private Limited Registered Office, Village Indamara, Post Pendry, P.S. Labag, Tahsil & District Rajnandgaon Chhattisgarh, Through Field Manager, Sheikh Navabuddin S/o Sheikh Babuddin, Aged About 36 Years, R/o. Mamta Nagar, Street No. 07, Ward No. 19, Town, Tahsil & District Rajnandgaon Chhattisgarh
2. M/s Meghana Mines & Minerals Resources Private Limited Through : Managing Director, Bikram Kumar Pradhan, R/o. N-4/208, I.R.C. Gram, Nayapalli, P.S. Nayapalli, Bhuneshwar (Odisha) - 751015.
3. Bikram Kumar Pradhan Managing Director, M/s. Meghana Mines & Minerals Resources Private Limited, R/o N-4/208, I.R.C. Gram, Nayapalli, P.S. Nayapalli, Bhuneshwar (Odisha) - 751015.

---- Respondents

For Petitioner : Mr. Praveen Dhurandhar, Advocate.

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****29/08/2016**

1. The present Petition has been filed seeking for quashment of the Criminal Case No. 2383/2015 pending before the Judicial Magistrate First Class, Rajnandgaon in a proceeding under Section 138 of the Negotiable Instrument Act.
2. The present Petitioner assails the Criminal Case on two grounds ; firstly he is not a Director of the company and secondly in the

complaint Annexure P/1 there is no averments made whatsoever against the present Petitioner of having played an active role in the issuance of the cheques which have been issued by the Respondent No.3 on behalf of Respondent No.2 in the complaint. Neither does he have any administrative control or power in the company. According to the Petitioner in the absence of the pleading that Petitioner has a substantial role in the day to day affairs of the company mentioned in the complaint and the fact that he was not a director of the company registering of the complaint and the Petitioner being forced to undergo trial is not called for and deserves to be quashed so far as the present Petitioner is concerned on these grounds.

3. Having considered the contentions made by the Petitioner and also on the perusal of the record it would clearly reflect in the complaint, Annexure P/1 itself in paragraph 2 wherein the complainant has shown the status of the Petitioner to be that of a director and has also made an averment that he is also a responsible officer of the company taking care of its day to day affairs. Thus, in so far as status and role of the Petitioner is concerned in the company stands prima facie established and it also negates the contentions of the Petitioner.
4. So far as the other contention of the Petitioner that he is not a director of the company also stands disapproved from the pleading of the Petitioner himself in as much as the affidavit filed in support of the present Cr.M.P. he has shown himself as a director of the company.
5. Thus, the two grounds raised by the Petitioner assailing the registration of the complaint stands disapproved on the basis of the

pleading of the Petitioner himself in the present Cr.M.P.

6. So far as the judgment of the Supreme Court referred to by the Counsel for the Petitioner in case of **Pooja Ravinder Devidasani Vs. State of Maharashtra and Others**¹ is concerned facts of the said would not come to the aid of the present Petitioner on the ground that the averments made in the preceding paragraph by itself are sufficient to distinguish judgment of the Supreme Court referred to by the Counsel for the Petitioner. Further another allegation against the Petitioner therein were entirely different to the facts of the present case and therefore also the judgment of the Supreme Court is distinguishable.
7. Accordingly, in the opinion of this Court no strong case has been made out calling for an interference with the registration of the complaint case.
8. Accordingly, the present Cr.M.P. stands dismissed being devoid of merits.

Sd/-

**(P. Sam Koshy)
JUDGE**