

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

**1. CRM-M No.15090 of 2016**

Satyam Aggarwal

... Petitioner

Versus

M/s Kalyan Agro Industries Corporation

... Respondent

**2. CRM-M No.15091 of 2016**

Satyam Aggarwal

... Petitioner

Versus

M/s Kalyan Agro Industries Corporation

... Respondent

**3. CRM-M No.15193 of 2016**

Satyam Aggarwal

... Petitioner

Versus

M/s Kalyan Agro Industries Corporation

... Respondent

Date of decision: 4<sup>th</sup> May, 2016

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Ms. Sunita Punia, Advocate  
for the petitioner.

**FATEH DEEP SINGH, J.**

Since all these three petitions have been preferred by the same very accused petitioner Satyam Aggarwal under Section 482 Cr.P.C. for quashing of three different complaints all preferred by respondent M/s Kalyan Agro Industries Corporation under Section 138

of the Negotiable Instruments Act, 1881 (in short, 'the Act') wherein he has been summoned for commission of this offence and thus, there being consanguinity of facts and similar question of law being involved, are thus taken up together for disposal.

Heard Ms. Sunita Punia, Advocate on behalf of the petitioner.

The admitted factual matrix is that on account of business relations between the complainant firm and the accused company, the accused had issued three different cheques bearing No.562709 dated 10.12.2003 for a sum of ₹8,27,243; No.562737 dated 15.10.2013 for a sum of ₹8,67,467 and No.562706 dated 10.01.2014 for an amount of ₹7,73,168, all drawn on State Bank of India, Ludhiana.

Allegations of the complainant were that being one of the Directors, the petitioner too was responsible along with other Directors for commission of this offence. Consequent upon these allegations, the petitioner stood summoned for this dishonour of the cheques under Section 138 of the Act vide orders dated 24.09.2015. Against these summoning orders, the petitioner has sought to invoke the jurisdiction of this Court seeking quashing of the complaints.

Learned counsel for the petitioner has placed reliance upon **'National Small Industries Corp. Ltd. v. Harmeet Singh Paintal and another'** 2010(3) SCC 330; **'S.M.S. Pharmaceuticals Ltd. v. Neeta**

**Bhalla and another’ 2007(2) RCR(Criminal) 126; ‘Pooja Ravinder Devidasani v. State of Maharashtra and another’ 2015(3) SCC(Civil) 384; ‘Sabitha Ramamurty and another v. R.B.S. Channabasavaradhya’ 2006(4) RCR(Criminal) 296; ‘Tiruchandoor Muruhan Spinning Mills (P) Ltd. and Others v. Madanlal Ramkumar Cotton and General Merchants’ 2001(3) AICLR 390** to hammer-home the point that since the petitioner had resigned as Director on 23.10.2013 as per Form-32 under the Companies Act, 1956 he cannot be held vicariously liable for the same and that seeking support from **‘Dhariwal Tobacco Products Ltd. and others v. State of Maharashtra and another’ 2009(1) RCR(Criminal) 677** has sought to impress upon the Court that even if there is statutory remedy available by way of revision even then the petitioner cannot be estopped from having recourse to inherent powers of this Court under Section 482 Cr.P.C.

Petitioner has been summoned and apparently has not sought to specifically challenge the summoning orders dated 24.09.2015 and under the provisions of the Code of Criminal Procedure the petitioner had a more efficacious remedy under the Statute either to file a Revision under Section 397 Cr.P.C. to seek his discharge in terms of Section 245 Cr.P.C. Since there is a specific remedy available to him under the Statute he was not supposed to invoke jurisdiction of this

Court under Section 482 Cr.P.C. for which reliance is placed on '**Mohit @ Sonu and another v. State of UP and others**' 2013(3) RCR (Criminal) 673 and even otherwise as has been laid down in '**State of Haryana and others v. Ch.Bhajan Lal and others**' 1992 AIR SC 604, such inherent powers are to be sparingly used only to advance the cause of justice.

Looking from another angle, the own case of the petitioner reflects that one of the cheques in question has been issued on 15.10.2013 much prior to his claim of having resigned from the Company and therefore, he cannot escape from his responsibility on that score. More so, the petitioner claims that he was one of the Directors of the Company, who has never placed on record his resignation and its acceptance as well as new constitution of the Company in question to prima facie bring forth a stand to this effect. Nothing is suggestive that the same has too been incorporated before the Registrar of Companies. Thus, even otherwise being a question of fact that can be only appreciated with evidence and thus, all these petitions being hopelessly without any merit stands dismissed.

**(FATEH DEEP SINGH)**  
**JUDGE**

**May 4, 2016**  
*rps*

Whether to be referred to the Reporters or not?