

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

CRM No.M-29099 of 2016 (O&M)

Date of decision: 22.08.2016

Manish Kumar Salwan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. M.K. Taya, Advocate for the petitioner.

Jitendra Chauhan, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for quashing of complaint No.38 dated 17.12.2014 (Annexure P-2) and summoning order dated 13.06.2016 (Annexure P-1), passed by Judicial Magistrate 1st Class, Ambala, whereby the petitioner has been summoned to face the trial under Sections 420, 468 and 471 IPC.

It is contended that the impugned order dated 13.06.2016 is illegal and arbitrary. Respondent No.2 had earlier entered into an agreement with the petitioner to carry on business activities in Uttar Pradesh and thereafter, the present complaint has been filed with the allegations of breach of terms and conditions of the agreement. He further states that the Court at Ambala has no jurisdiction to try and decide the complaint. The trial Court erred in not appreciating the fact

that the Excise and Taxation Officer, Ambala City has verified form 'F' submitted by the petitioner, which proves that no manipulation has been done by the petitioner in form 'F'. The complaint filed by respondent No.2 is baseless and the same deserves to be dismissed. In support of his contentions, the learned counsel cites **Mahi Pal** Vs. **State of Haryana**, 1996(2) RCR (Criminal) 304 and **Chhote** Vs. **Raj Pal**, 1983 (1) RCR (Criminal) 600.

Heard.

It is an admitted fact that petitioner was appointed as consignee agent by respondent No.2 firm, vide agreement dated 18.01.2007. The petitioner used to keep the stock of all the medicines transported by the complainant's firm to Saharanpur and the petitioner was to look after the business activities of the firm including delivery of goods as per Govt. order and maintaining stocks status. In terms of the agreement, the petitioner used to provide Form 31 and Form 'F' to the complainant for the import of goods to Saharanpur and in lieu of the services rendered by the petitioner, respondent No.2 paid 2% commission. Respondent No.2 while appearing as CW-1 has reiterated entire facts of the complaint and has brought on record Ex.C1 to Ex.C19 leading to the summoning of the petitioner to face the trial. The information sought by the complainant has been prima facie proved that the petitioner manipulated the figures in the original form 'F'. Keeping in view the above facts and circumstances, no ground is made

out to quash the impugned summoning order dated 13.06.2016 as well as complaint filed by respondent No.2. The ratio of law cited by the learned counsel is distinguishable on facts and will not apply in the present case.

Dismissed.

22.08.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No