

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

CRM-M No.41579 of 2016.

Date of Decision: 21.11.2016.

Riddhima Sayal

....Petitioner.

VERSUS

M/s HAR International and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. B.D. Sharma, Advocate for the petitioner.

SNEH PRASHAR, J.

This petition has been filed by Riddhima Sayal (petitioner) invoking the provisions of Section 482 of the Code of Criminal Procedure for quashing of Criminal Complaint No.1447 of 2016 titled 'M/s HAR International Versus M/s Natural Hide and Skin Company Pvt. Ltd. (Annexure-P1) instituted by the respondents under Section 138 of the Negotiable Instruments Act and for quashing of order dated 11.04.2016 (Annexure-P2) by virtue of which the petitioner has been summoned to face trial in the said complaint.

The submissions made by Mr. B.D. Sharma, learned counsel representing the petitioner have been considered.

Learned counsel for the petitioner submits that although the petitioner was inducted as Director of the Natural Hide and Skin Company

company nor was having any concern with the affairs of the company including the financial affairs. It is a settled proposition of law that a Director of a company cannot be held vicariously liable by making a simple averment in the complaint that the Director is responsible for the conduct of the business and the day to day affairs of the company, without specifying the role of the Director and also without spelling out as to how and in what manner the Director was in charge of or was responsible to the accused company for the conduct of its business. To support his argument, learned counsel relied upon **National Small Industries Corp. Ltd. Vs. Harmeet Singh Paintal & Anr., 2010(2) R.C.R. (Criminal) 122.**

Alongwith this petition, copy of the complaint filed under Section 138 of the Negotiable Instruments Act by the respondents, has been annexed. Perusal of the same shows that prima facie the allegation of the complainant is that the petitioner as Director of the accused company had placed the purchase order for goods supplied by the complainant company and the other accused (Gautam Sayal) being the Managing Director had issued the cheque towards payment on behalf of the company. It is also the allegation that the cheque in question was in fact handed over to the complainant by the petitioner.

The petitioner by way of instant petition is denying the facts pleaded by the respondents-complainants. The impugned summoning order dated 11.04.2016 passed by learned trial Court indicates that as many as 21 documents had been placed on record by the complainants-respondents No.1 and 2 in support of their allegations. Needless to say that the documents produced will be analyzed and the factual issues being raised

cannot go into the same at this stage. Accordingly, the petition, being devoid of merit, is dismissed. However, the petitioner shall be at liberty to raise all objections available to her under law before learned trial Court.

(SNEH PRASHAR)
JUDGE

21.11.2016
jitender sharma

Whether speaking/ reasoned : Yes

Whether Reportable : No