

**128-4 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-1961-2017

Date of decision-23.01.2017

Manoj Darade

...Petitioner

Vs.

G.M.H.Organics, Panchkula

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

JITENDRA CHAUHAN, J. (Oral)

By way of the instant petition under Section 482 of the Code of Criminal Procedure, the petitioner has sought quashing of criminal complaint No.1407 of 2013, dated 26.02.2013 (Annexure P-1), titled as “M/s GMH Organics Vs. M/s Frontiago Lifesciences Private Ltd. and another” under Section 138 of the Negotiable Instruments Act read with Section 420 of the Indian Penal Code, pending before the Court of learned Civil Judge, Junior Division, Panchkula, along with summoning order dated 29.09.2015 (Annexure P-3) and order framing charge dated 21.12.2016 (Annexure P-4).

It is contended that the petitioner being authorized signatory of M/s Frontiago Lifesciences Pvt. Ltd., issued seven cheques in favour of the respondent. However, the respondent, in order to bring his case under the jurisdiction at Panchkula, presented two cheques at Axis Bank, Panchkula Branch, whereas, the remaining five cheques were presented at Axis Bank,

Baddi Branch (Himachal Pradesh). The cheque in the instant case bearing No.516163 of the Bank of Baroda, A.T. Road Branch, Mumbai, dated 11.10.2012 amounting to Rs.44,329/- was presented at Axis Bank, Branch Panchkula, which was dishonoured with the remarks "Payment stopped by Drawer". Without there being any evidence on record, the complainant with a *mala fide* intention has been stating that all the business dealings took place at Panckhula in order to bring the case within the jurisdiction of Panckhula Courts. It is further contended that the company consisted of five Directors at the time of issuance of the cheques in question, however, only the petitioner has been made a party in the complaint. The complainant also lodged FIR No.66 dated 24.07.2014, to recover the amount of cheques in question, at Police Station Mansa Devi Complex, Panchkula, which stands quashed vide order dated 08.05.2015, passed by this Court in CRM-M-43394-2014, titled as "Manoj Darade Vs. State of Haryana".

I have heard learned counsel for the petitioner and perused the case file.

In the instant case, the accused-petitioner has neither denied his signatures on the cheque in question, nor the fact that he was authorized signatory on behalf of accused No.1-Company. In order to prove liability of the accused, the complainant has furnished invoice regarding alleged liability of accused against which the cheques in question were issued. Learned summoning Court has recorded prima facie satisfaction that the material placed on record is sufficient to take cognizance. The arguments raised by learned counsel for the petitioner shall be dealt with by learned

trial Court at appropriate stage.

In view of the above, this Court does not find any ground quash the impugned complaint or to interfere with the well reasoned orders of summoning and framing of charge, which are hereby affirmed.

Dismissed.

January 23, 2017

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(JITENDRA CHAUHAN)
JUDGE

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