

CRM-M-40444-2016

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

CRM-M-40444-2016

Date of decision-24.01.2017

Tardip Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Simran Jit Singh, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed under Section 482 of Criminal Procedure Code for quashing of the complaint titled as “M/s 5G Technologies Vs. M/s 8 AM Anaaj Mandi Stores Private Ltd. and others” bearing complaint No.2149 dated 13.06.2014 registered under Section 138 of the Negotiable Instruments Act along-with summoning order dated 02.06.2014 (Annexure P-2).

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and the name of the petitioner has been added with a *mala fide* intention to harass him. He further contends that no specific role has been attributed to the petitioner. The petitioner was appointed only as promotional director of the company on 03.09.2012. He resigned on 18.01.2013 and he was not involved in the day to day affairs of the company. His work was only to monitor the executive activities of the company.

The brief facts of the case taken from the complaint filed before JMIC, Amritsar are that the petitioner was director and authorized signatory of M/s 8 AM Anaaj Mandi Stores Private Ltd. and the firm issued a cheque bearing No.000090 dated 25.11.2013 amounting to Rs.50,000/- in favour of the respondent-company as part payment. The cheque was signed in the presence of all the directors. The complainant presented the cheque in question at UCO Bank, Civil Lines, Amritsar Branch, which was dishonoured with the remarks "Insufficient Funds". However, with a mala fide intention, the complainant had been requested by the petitioner to present the cheque again and the said cheque was again dishonoured on 13.02.2014. The complainant issued a legal notice dated 12.03.2014 calling upon the petitioner to make the payment of cheque in question, but inspite of service of the legal notice, payment was not made.

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

In order to prove liability of the accused, the complainant appeared and proved on record various documents including legal notice regarding alleged liability of accused against which the cheque in question was issued. The petitioner has been summoned in view of Section 141 of Negotiable Instruments Act which imposes vicarious liability upon every person who at the time of offence was in charge of conducting the business of the company.

In view of the above, this Court does not find any ground to quash the impugned complaint or to interfere with the well reasoned order of

summoning.

Consequently, the petition stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

January 24, 2017

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