

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-47041 of 2017

.....

Date of decision:11.12.2017

Parvinder Mahajan

.....Petitioner

v.

M/s Golden Steel Rolling Mills and another

.....Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Manish Jain, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 482 Cr.P.C. praying for quashing of the summoning order dated 17.10.2014 (Annexure-P.1) passed by learned Judicial Magistrate Ist Class, Ludhiana summoning the petitioner under the Negotiable Instruments Act, 1881 (hereinafter referred to as 'the NI Act'). It has also been prayed for quashing of criminal complaint No.7463/2014 (Old No.), NACT/90/2016 (New No.) dated 24.6.2014/ 20.2.2016 filed under Section 138 of the NI Act titled "M/s Golden Steel Rolling Mills and another Vs. M/s Arrow Scafftech Pvt. Ltd. and others" (Annexure-P.2).

At the time of arguments, learned counsel for the petitioner argued that petitioner-Parvinder Mahajan is simply a Director. He had not issued the cheque. Therefore, the complaint under Section 138 of the NI Act is liable to be quashed against him. He also relied upon the cross-examination of CW-1 Pargat Singh, SPA of the complainant firm.

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I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that first of all the complaint against the Director of the company is also maintainable and on this ground only that the cheque had not been issued by the petitioner-Director of the company is no ground to quash the complaint.

I have gone through the averments made in the complaint. There are specific averments in the complaint that accused No.3 and 4 i.e. the present petitioner being Directors/In-charge and responsible persons of the accused No.1 and 2 i.e. Company purchased iron and steel goods from the complainant on credit basis and there are details of the bills. It is also mentioned that in order to discharge above said legal liability partially, accused No.3, under his signatures in consultation with accused No.4 being both of them as In-charge and responsible persons of accused Nos.1 and 2, issued and handed over cheque in question.

In view of the averments made in the complaint that the present petitioner is Director/In-charge and responsible person of the firm and further that they had purchased iron and steel goods from the complainant firm on credit basis shows that there are averments made in the complaint that the present petitioner is also involved in the day to day affairs of the accused Company.

Therefore, in view of the above facts, the complaint is not liable to be quashed. Secondly, I find that statement of CW-1 Pargat Singh, SPA of the complainant firm has been produced. Only a part of cross-

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examination has been placed on record. On this part cross-examination of the attorney of the complainant firm, the complaint is also not liable to be quashed. This evidence is to be appreciated by the trial Court first along with other evidence and on this ground also the complaint cannot be quashed. Whatever part of the statement in cross-examination has been placed on record, it cannot be looked into for quashing of the complaint, at this stage, by this Court specially when the examination-in-chief of the witnesses has also not been produced and the witnesses are yet to be further cross-examined by the petitioner.

Therefore, finding no merit in this petition, the same is dismissed.

December 11, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No