

CRM-M-21678 of 2018

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

CRM-M-21678 of 2018
Date of Decision: 22.10.2018

Anand Kumar Mishra

....Petitioner

Versus

Hemlata Kukreja

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Aditya Jain, Advocate, for the petitioner.
Mr. Rajnikant Upadhyay, Advocate, for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing summoning order dated 24.10.2016 of the learned Judicial Magistrate Ist Class, Faridabad, qua petitioner, whereby he has been summoned to face trial under Section 138 of the Negotiable Instruments Act in complaint No.2186 dated 21.10.2016 titled as “Hemlata Kukreja v. Piyush Shelters India Pvt. Ltd. Etc.”

During the course of arguments, learned counsel for the opposite side, fairly conceding that petitioner never remained director of the accused company and he was only company secretary at the relevant time, urged that instant petition is not maintainable in view of availability of remedy of filing revision to the petitioner.

It is not disputed that the petitioner never remained as director of the accused company. Therefore, putting him to trial unnecessarily would be harsh inasmuch as when the complaint is already pending against

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the director and is at the final stage.

In view of above, instant petition is allowed. Order dated 24.08.2018 of this Court staying further proceedings against the petitioner, is made absolute. Resultantly, impugned complaint No.2186 dated 21.10.2016 titled as “Hemlata Kukreja v. Piyush Shelters India Pvt. Ltd. Etc.” (Annexure P-2) against the petitioner only shall be treated as dismissed.

October 22, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No