

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

Criminal Misc.No.M-54781 of 2018 (O&M)

Date of Decision : 11.12.2018

Bulusu Subrahmanya Chandra Sekhra and others

..... Petitioners

Versus

Indiabulls Housing Finance Ltd.

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Amandeep Agnihotri, Advocate
for the petitioners.

RAJ SHEKHAR ATTRI, J. (Oral)

The petitioners have preferred the instant petition under Section 482 Cr.P.C. for quashing of order dated 17.07.2017, passed by the learned Judicial Magistrate Ist Class, Gurugram, passed in Criminal Complaint No.7442 dated 01.06.2017, filed under Sections 138, 141 and 142 of the Negotiable Instruments Act read with Section 357 Cr.P.C. and for quashing of order dated 10.04.2018, passed by the learned Addl. Sessions Judge, Gurugram, in Criminal Revision No.111 of 08.11.2017 and also for quashing of the said revision petition.

The facts, necessary for disposal of the petition are that petitioner Nos.2 and 3 are the directors of the company namely M/s South Asian Agro Industries Limited (in short 'the company'). The cheque in question was signed by petitioner No.3 Manepalli Surya Manikyam and on presentation it was dishonoured.

It has been argued before this Court that the said company was bound down vide order dated 22.06.2015 (Annexure P-4) passed by the High Court of Hyderabad.

The cheque was issued on 01.04.2017.

It has been argued that on that date, the company was not in existence rather it was bound down by the High Court of Hyderabad.

Reliance has been placed upon the judgment of this Court in **Ranjit Sham Chougule vs. State of Haryana** and another, in Criminal Misc.No.M-36819 of 2013, decided on 04.09.2014 but that case has distinguishable facts and in that case the cheque was issued in August, 2009 and it was dishonoured on 06.02.2010. Subsequent thereto, the company was bound down on 19.03.2010 but in the case in hand, it is claimed that the company was bound down much prior to the issuance of the cheque and this is a question of fact which shall be decided at the time of trial. However, it is found that the cheque was issued on 01.04.2017 and they have certainly committed the act of cheating because they were not the directors as the company was under binding.

In view of aforesaid discussion, finding no ground to quash the order as well as proceedings of the case, the instant petition stands dismissed.

(RAJ SHEKHAR ATTRI)
JUDGE

11.12.2018
mamta

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No