

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

122/24)

CRM-M-972-2019 (O&M)

1)

Date of Decision: 18.12.2019

Anil Goyal

...Petitioner

Versus

Manisha Goyal

...Respondent

2)

CRM-M-1756-2019

Veena Goyal and others

...Petitioners

Versus

Anuj Jindal

...Respondent

3)

CRM-M-36970-2019

Veena Goyal and others

...Petitioners

Versus

Chander Gupta Goyal

...Respondent

4)

CRM-M-1008-2019

Anil Goyal

...Petitioner

Versus

Mrs. Renu Singla

...Respondent

5)

CRM-M-1049-2019

Anil Goyal

...Petitioner

Versus

Savita Goyal

...Respondent

6)

CRM-M-1050-2019

CRM-M-972-2019 and other connected matters		-2-
Anil Goyal		...Petitioner
	Versus	
Surendra Goyal		...Respondent
7)	CRM-M-1154-2019	
Anil Goyal		...Petitioner
	Versus	
Kirti Goyal		...Respondent
8)	CRM-M-1174-2019	
Anil Goyal		...Petitioner
	Versus	
Megha Goyal		...Respondent
9)	CRM-M-1228-2019	
Anil Goyal		...Petitioner
	Versus	
Laxmi Goyal		...Respondent
10)	CRM-M-1230-2019	
Anil Goyal		...Petitioner
	Versus	
Chander Prakash Goyal		...Respondent
11)	CRM-M-1231-2019	
Veena Goyal and others		...Petitioners
	Versus	
Shyam Sunder		...Respondent

12)	CRM-M-1237-2019	
Veena Goyal and others		...Petitioners
	Versus	
Sangeeta Jindal		...Respondent
13)	CRM-M-1238-2019	
Pallavi Goyal		...Petitioner
	Versus	
Vinod Kumar Jain		...Respondent
14)	CRM-M-1240-2019	
Veena Goyal and others		...Petitioner
	Versus	
Krishna Jindal		...Respondent
15)	CRM-M-1246-2019	
Anil Goyal		...Petitioner
	Versus	
Lalit Goyal		...Respondent
16)	CRM-M-1289-2019	
Anil Goyal		...Petitioner
	Versus	
Yogender Sain Mangla		...Respondent
17)	CRM-M-1310-2019	
Veena Goyal and others		...Petitioners
	Versus	
Raj Kumari		...Respondent

18)	CRM-M-1323-2019	
Anil Goyal		...Petitioner
	Versus	
Sanjay Goyal		...Respondent
19)	CRM-M-1329-2019	
Veena Goyal and others		...Petitioners
	Versus	
Shiv Kumar Jindal		...Respondent
20)	CRM-M-1779-2019	
Veena Goyal and others		...Petitioners
	Versus	
Deeksha Modi		...Respondent
21)	CRM-M-1793-2019	
Veena Goyal and others		...Petitioners
	Versus	
Anita Modi		...Respondent
22)	CRM-M-46623-2018	
Veena Goyal and others		...Petitioners
	Versus	
Aditya Gupta		...Respondent
23)	CRM-M-46658-2018	
Veena Goyal and others		...Petitioners
	Versus	

Sandhya Gupta

...Respondent

24)

CRM-M-46682-2018

Veena Goyal and others

...Petitioners

Versus

Aditya Gupta

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Aditya Jain, Advocate, for the petitioner
in all the cases.

Mr. Mukesh Rao, Advocate,
for the respondent in all the cases, except
in CRM-Ms-46623, 46658 and 46682 of 2018.

Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate, for
for the respondent in CRM-Ms-46623, 46658
and 46682 of 2018.

Amol Rattan Singh, J. (Oral)

In all these 24 petitions listed today, it is the common ground of learned counsel appearing on both sides, that the prayer of all the petitioners is quashing of the impugned orders passed by the learned Judicial Magistrate 1st Class, Faridabad, by which they have been summoned to appear before that court to face trial, upon the respondents in each of these petitions having instituted complaints against them under the provisions of the Negotiable Instruments Act.

The contention of the learned counsel for the petitioners has throughout been that the petitioners not being Directors and persons

concerned with the day to day affairs of the company on behalf of which the cheques in question had been issued at the relevant time, the summoning orders deserve to be set aside.

Without going into further detail of various contentions raised in these petitions, it will suffice to say that learned counsel for the petitioners had yesterday produced in court certain documents (a large number of Forms-32, DIR-11 and 12, not stated to be on record otherwise), shown to be carrying the stamp of the Registrar of Companies, Kanpur, with learned counsel having submitted that a perusal of the said forms would show that none of the petitioners in these petitions are shown to be Directors of the company.

The said forms not being on record of the case files, a complete copy thereof had been handed over to Mr. Mukesh Rao, and to Mr. Jagjot Singh, Advocate (appearing for Mr. Kunal Dawar, Advocate), both of whom are appearing for the respondents, i.e. the complainants before the trial court, to enable them to go through the said documents and to address arguments.

Mr. Rao had submitted that, however, as per the document annexed as Annexure R-1/1 with the reply to CRM-M-1756 of 2019, the petitioners, Anil Goyal, Veena Goyal, Madhu Goyal and Pallavi Goyal, are shown to be drawing remuneration as on March 31, 2015, with Anil Goyal shown to be a Director and the ladies mentioned above shown to be drawing a salary (with no nomenclature of the post against which they were drawing

salary, given in the said document).

The said document is stated to be one downloaded from the website of the Ministry of Corporate Affairs, upon the respondent in the said petition, i.e. Anuj Jindal, having duly paid the online fee to enable him to download the document (as contended), it being a document stated to have been uploaded by the Chartered Accountant of the company of which the petitioners are stated to be Directors/employees etc. (the said company being M/s Piyush Infrastructure India Pvt. Ltd).

Mr. Rao further draws attention to clause 31(a) (ii) of the said document, which reads as follows:-

“ii	Individual who have control or significant influence over the Company and their relatives	Mr. Anil Goyal Relatives:- Mr. Amit Goel Mr. Puneet Goel Mrs. Veena Goyal Mrs. Madhu Goyal Mrs. Pallavi Goyal”
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He therefore submits that very obviously the petitioners in these petitions, i.e. Anil Goyal, Veena Goyal, Madhu Goyal and Pallavi Goyal, are persons who have control and significant influence over the company and their “relatives”.

Having considered the above but without making any comment on the actual merits of what is contended on both sides, this Court is of the opinion that the petitions cannot be allowed, simply on a contention to the effect that the petitioners are not Directors or persons involved in the day to

day affairs of the company, which fact, in the aforesaid circumstances, would have to be established before the trial court in all the complaints pending before it.

Consequently, all these petitions are dismissed, with liberty to the petitioners to move appropriate applications before the trial court in each case, seeking personal exemption if they so wish, which applications would be considered wholly on their own merits by that court.

It is to be noticed even now that learned counsel for the petitioners today has now also relied upon an order passed by a coordinate Bench on 08.04.2019 in CRM-M-15795 of 2019, titled as **Veena Goyal and others v. Chander Gupt Goyal**, whereby, while disposing of that petition, the petitioners were granted liberty to raise all pleas as had been raised in that petition before the trial court with the last line of the order reading as under:-

“In the meantime, proceedings qua the petitioners shall remain stayed, till their objections are decided.”

Mr. Rao however submits that in fact upon the said order having been passed, the trial court considered the matter and again issued summons to the petitioners in that petition, with that order now impugned in CRM-M-36970 of 2019, (the order impugned therein being one dated 08.08.2019).

He has further also produced in court two orders passed by coordinate Benches, in petitions filed by some of the petitioners herein, i.e. Veena Goyal and others and Anil Goyal and another, such petitions being

CRM-M-52882 of 2019 decided on 12.12.2019, titled as **Veena Goyal and Others v. Mahesh,** and CRM-M-17689 of 2017 decided on 13.11.2019, titled as **Anil Goyal and another v. Anil Gupta and others.** In those petitions also (stated to be challenging similar summoning orders), this Court had not quashed the summoning orders, with the petitioners left to avail of their remedy before the trial court, to prove whether or not they were directors/concerned persons in the company.

Consequently, I would see no reason to continue with these petitions, as already observed earlier.

(AMOL RATTAN SINGH)
JUDGE

18.12.2019
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Whether reasoned/speaking: Yes
Whether reportable: Yes