

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

Sr. No.245

CRM-M-1005 of 2014

DECIDED ON: January 11, 2019

VINOD KUMAR AND OTHERS

..PETITIONERS

VERSUS

SURESH KUMAR JOSHI AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Deepak Sabharwal, Advocate,
for the petitioners.

Mr. Vijay Lath, Advocate,
for respondent No.1.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks quashing of complaint dated 01.07.2013 (P-1), filed under Sections 138/142 of the Negotiable Instruments Act as well as summoning order dated 01.07.2013 (P-2).

Learned counsel for the petitioners submits that a perusal of Form No.32 (P-3) shows that petitioners No.1 to 3 had resigned on 15.06.2010 and that petitioners No.4 to 6 were never Directors of the company nor they were associated with it in any manner. Thus, the filing of the aforementioned complaint is an abuse/misuse of the process of law.

Learned counsel for respondent No.1 relies upon letter dated 12.03.2013 (R-1/1) and submits that the names of all the petitioners are

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mentioned therein as Directors and thus, it does not lie in the mouth of the petitioner(s) to claim otherwise.

The complaint has been placed on record as Annexure P-1. The memo of parties of the said complaint reads as under:-

“Sh. Suresh Kumar Joshi s/o Ram Parkash r/o village Malkhowal, P.O. Tangralian, Tehsil Mukerian, Distt. Hoshiarpur, Punjab. Complainant

Versus

M/s Parkash Solvex Ltd. Nakodar Road, Kapurthala through its Directors/Proprietors.

- 1. Vinod Kumar s/o Parkash Chand*
- 2. Kamni Devi w/o Vinod Kumar*
- 3. Sudesh Kumar Aggarwal s/o Parkash Chand*
- 4. Monika w/o Sachin Aggarwal*
- 5. Usha Rani w/o Pran Nath*
- 6. Rita Aggarwal w/o Sanjeev Kumar all c/o Parkash Solvex Ltd. Nakodar Road, Kapurthala, Punjab and also residing at Mohalla Sherawalla Gate, Kapurthala, Punjab.*

Accused”

Thus, it is clear that only M/s Parkash Solvex, Nakodar Road, Kapurthala, is a party in the complaint. The said company has been sued through its various Directors/proprietors. Thus, it cannot be said that the Directors/proprietors mentioned in the memo of parties, are also parties in the complaint.

With the aforementioned clarification, the petition is disposed of without going into the merits of the issues raised by the parties.

January 11, 2019

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No