

CRM-M-13236 of 2017

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

CRM-M-13236 of 2017

Date of Decision: 19.03.2019

Ranjit Kaur and another

....Petitioners

Versus

Ramesh Kumar

....Respondent

CRM-M-13737 of 2017

Ranjit Kaur and another

....Petitioners

Versus

Ramesh Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Ravi Sharma, Advocate, for the petitioners.
None for the respondent.

RAMENDRA JAIN, J. (ORAL)

By this common judgment, I shall dispose of above-titled two petitions for quashing complaint dated 23.02.2016 (Annexure P-2) pending before the trial Court at Moonak, orders dated 11.03.2016 and 27.02.2017 (Annexures P-3 and P-4), summoning the petitioners.

Briefly, two separate complaints were filed by the respondent against the petitioners and three others, who are sons and husband of petitioner No.2, under Section 138 of the Negotiable Instruments Act, 1881 (in short the 'Act') for bouncing of 11/12 cheques amounting to around ₹26.00 lakh, issued by their firm M/s Parbir Foodstuff Factory, Amritsar, in which all the accused were partners, in discharge of its liability against purchase of paddy from the firms of the respondent "M/s N.K. Trading

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Khanori.

After recording preliminary evidence, trial Court summoned all the accused, including the petitioners vide summoning orders aforesaid (Annexures P-3 and P-4), which have been challenged by the petitioners in the instant petitions.

Learned counsel for the petitioners *inter alia* contends that petitioners were only sleeping partners of the accused firm M/s Parbir Foodstuff Factory, Amritsar. They were not the signatories of the cheques in question. They never actively participated in the day-to-day affairs of the aforesaid firm, which is being run by their husbands. Therefore, impugned complaint (Annexure P-2) and orders (Annexure P-3 and P-4), summoning them to face trial under Section 138 of the Act are bad in law.

Notice of these petitions was given to the respondent. But despite his service, he did not choose to contest the same.

Heard.

Since, the above contention of learned counsel for the petitioners has gone unrebutted, therefore, both the petitions are accepted in toto. Impugned complaint (Annexure P-2), summoning orders dated 11.03.2016 and 27.02.2017 (Annexures P-3 and P-4) and all consequential proceedings arising therefrom are quashed qua petitioners only. However, the same would remain in force against remaining accused and the trial Court would carry on proceedings against them, in accordance with law.

March 19, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No