

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(1)

Crl. Misc. No. M-17689 of 2017(O&M)

Date of decision: November 13, 2019

Anil Goyal and another

..... PETITIONER(s)

Versus

Anil Gupta and others

....RESPONDENT(s)

(2)

Crl. Misc. No.M-39301 of 2017 (O&M)

Anil Goyal and another

..... PETITIONER(s)

Versus

Ram Kumar Saini and others

....RESPONDENT(s)

(3)

Crl. Misc. No.M-39302 of 2017 (O&M)

Anil Goyal and another

..... PETITIONER(s)

Versus

Bhushan Kumar Taneja and others

....RESPONDENT(s)

(4)

Crl. Misc. No.M-39303 of 2017 (O&M)

Amit Goyal

..... PETITIONER(s)

Versus

Ram Kumar Saini and others

....RESPONDENT(s)

(5)

Crl. Misc. No.M-39304 of 2017 (O&M)

Amit Goyal

..... PETITIONER(s)

Versus

Ram Kumar Saini and others

....RESPONDENT(s)

(6)

Crl. Misc. No.M-39311 of 2017 (O&M)

Anil Goyal

..... PETITIONER(s)

Versus

Davinder Kumar and others

....RESPONDENT(s)

(7)

Crl. Misc. No.M-39655 of 2017 (O&M)

Amit Goyal

..... PETITIONER(s)

Versus

Ram Kumar Saini and others

....RESPONDENT(s)

(8)

Crl. Misc. No.M-14633 of 2018 (O&M)

Amit Goyal

..... PETITIONER(s)

Versus

Gian Chand

....RESPONDENT(s)

(9)

Crl. Misc. No.M-2657 of 2018 (O&M)

Amit Goyal and another

..... PETITIONER(s)

Versus

Rajesh Aggarwal

....RESPONDENT(s)

(10)

Crl. Misc. No.M-2664 of 2018 (O&M)

Anil Goyal

..... PETITIONER(s)

Versus

M/s Gaba Builders (P) Ltd.

....RESPONDENT(s)

(11)

Crl. Misc. No.M-19596 of 2018 (O&M)

Amit Goyal and another

..... PETITIONER(s)

Versus

Balraj Bhadana

....RESPONDENT(s)

(12)

Crl. Misc. No.M-18514 of 2018 (O&M)

Anil Goyal

..... PETITIONER(s)

Versus

Balraj Bhadana

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Bhanvi Sood, Advocate for
Mr. Aditya Jain, Advocate
for the petitioner(s) in all petitions.

Mr. Tapish Gupta, Advocate for
Mr. Sandeep Chopra, Advocate
respondent No.1 in CRM-M-2657-2018.

Mr. Akkash Bhadana, Advocate
for the respondent in CRM-M-19596-2018 and
for Mr. Gaurav Gupta, Advocate
for the respondent in CRM-M-18514-2018.

Ms. Kusum Raj, Advocate for
Mr. Yashdev Kaushik, Advocate
for respondent(s) in CRM-M-2664-2018.

None for the respondent(s) in remaining petition(s).

SURINDER GUPTA, J(Oral)

Above mentioned 12 petitions have been filed by Anil Goyal and Amit Goyal seeking quashing of complaints filed against them by different complainants.

Learned counsel for the petitioners has argued that petitioners

are neither the signatory of the cheques issued to the complainant nor they are the Directors of M/s Piyush Infrastructure India Pvt. Ltd.-accused No.1 in the complaints, as such, the complaints filed against the petitioners are not maintainable. In support of her contention, she has referred to Annexure P-3, report of Sailendra Kumar Jha, Company Secretary addressed to Board of Directors of M/s Piyush Infrastructure India Pvt. Ltd. This report is dated 01.05.2017, wherein he has given the list of Directors of the company and names of petitioners nowhere finds mention in that report.

Learned counsel for the respondents have drawn my attention to the copy of print of Homepage of website of M/s Piyush Infrastructure India Pvt. Ltd., where petitioners' names find mention as Chairman-cum-Managing Director or Joint Managing Director. They have also signed a guarantee agreement dated 23.03.2016 in favour of Corporation Bank on which the petitioners along with Vinod Kumar Kathuria and Puneet Goyal have signed in their capacity as Directors of M/s Piyush Infrastructure India Pvt. Ltd. They submit that on the website of the company, there are accounts of the company, showing the share of petitioners in their capacity as Directors and all these facts are to be seen by the trial Court while disposing of other similar complaints on merits. The petitioners have also been drawing remuneration from M/s Piyush Infrastructure India Pvt. Ltd. in their capacity as Directors and at this stage, they cannot deny their status as Directors of the company.

Complainants have lot of evidence to produce to show that petitioners are Directors of M/s Piyush Infrastructure India Pvt. Ltd. It is not denied that complaint under Section 138 of Negotiable Instruments Act is maintainable against the Directors of the company. The question raised by

the petitioners is that they are not the Directors, as such, the complaint could not be filed against them. Copies of documents shown during the course of arguments *prima facie* reflect that petitioners have been signing the documents in favour of the bank in their capacity as Directors of M/s Piyush Infrastructure India Pvt. Ltd. and are also drawing the remuneration from the company being its Directors.

Keeping in view the above facts, I am of the opinion that the complainants have to prove on record before the trial Court by leading evidence that the petitioners were also Directors of the company at the time of issuance of the cheques and the evidence so produced will be independently scrutinized by the trial Court without being influenced by any observation in this order.

As a result of my above discussion, I find no merits in these petitions and the same are dismissed.

Trial Court is directed to expedite the disposal of the complaints, which are pending since long before it.

November 13, 2019
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No