

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 03.09.2019

1. CRM-M-17981 of 2015 (O&M)

Dalvir Singh and another

..... Petitioners

Versus

Punjab Agro Foodgrain Corporation Ltd.

..... Respondent

2. CRM-M-18352 of 2015 (O&M)

Dalvir Singh and another

..... Petitioners

Versus

Punjab Agro Foodgrain Corporation Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lalit Pathak, Advocate
for the petitioners (in both petitions).

None for the respondent.

ANIL KSHETARPAL, J.(ORAL)

By this order, CRM-M-17981 of 2015 and CRM-M-18352 of 2015 shall stand disposed of.

Both these petitions have been filed against the orders passed by the learned Court of Judicial Magistrate summoning the petitioners in a criminal complaint filed under Section 138 of the Negotiable Instruments Act.

Learned counsel for the petitioners contends that the petitioners had retired from the partnership firm on 31.03.2011 and

therefore, the prosecution cannot continue against the petitioners. He has further submitted that the cheque in question was issued in 2013.

The petitioners in order to prove relies upon the information given by the bank and the information obtained under RTI Act from the Registrar of Firms and Society. Hence, he submitted that the petitioners have no connection with the partnership firm.

The documents which are sought to be relied upon by the petitioners to prove that they had resigned from the firm are required to be proved by leading appropriate evidence. The trial against the petitioners is still pending. This Court is not in a position to record any firm finding that the petitioners had in fact retired from the partnership firm as is sought to be contended.

In view thereof, the petitioners are relegated to the remedy before the trial Court where they would be at liberty to lead evidence and establish their defence.

With these observations, both the petitions are disposed of.

03.09.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No