

CRM-M-21918 of 2013

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

CRM-M-21918 of 2013
Date of Decision: 10.04.2019

Vimla

....Petitioner

Versus

Suresh Kumar Gupta

....Respondent

CRM-M-22274 of 2013

M/s U-Clix Infra Ltd. and others

....Petitioners

Versus

Suresh Kumar Gupta

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Sushant Kareer, Advocate,
for Mr. Vaibhav Sehgal, Advocate, for the petitioners.
Mr. G.S. Dhindsa, Advocate,
for Ms. Upasana Dhawan, Advocate, for the respondent.

RAMENDRA JAIN, J. (ORAL)

Receipts qua deposit of costs in compliance of order dated
30.01.2019 produced in Court today are taken on record.

By this common order, I shall dispose of above-titled two
petitions under Section 482 Cr.P.C. for quashing criminal complaint No.605
dated 11.04.2011 (Annexure P-1) filed by the respondent and summoning
order dated 02.05.2011 (Annexure P-7), whereby petitioners have been
summoned to face trial under Section 138 of the Negotiable Instruments

Act.

CRM-M-21918 of 2013

Learned counsel for the petitioners, referring the judgments of the Hon'ble Supreme Court in ***Gunmala Sales Private Ltd. v. Anu Mehta and others***, 2014(4) R.C.R.(Civil) 788 and ***Pooja Ravinder Devidasani v. State of Maharashtra and another***, 2015(1) R.C.R.(Criminal) 271 contends that petitioner – Vimla was only a sleeping director in the accused company. She never actively participated in its day-to-day affairs, nor is signatory of the cheques in question. Five cheques were presented by the respondent-complainant on a single date allegedly executed by petitioner No.1 in CRM-M-22274 of 2013 under the signatures of one of the directors, namely, Mohit Chaudhary, which bounced. Therefore, single legal notice was issued. Out of five cheques two were invalid on the date of their presentation due to expiry of three months from the date mentioned in the same and one was post-dated. Since all the five cheques constituted single offence, out of which, as discussed above, two were invalid, therefore, complaints against the petitioners qua two invalid cheques were not maintainable.

On the other hand, learned counsel for the respondent, refuting above submissions pleaded legality and validity of the impugned order. Case is fixed for final arguments on 24.04.2019.

Heard.

Facts and circumstances of the authorities referred to above by learned counsel for the petitioners are not identical to the facts of the present case. Therefore, no benefit of the same can be given to the petitioners.

During the course of arguments it has been pointed out that trial

CRM-M-21918 of 2013

is at the fag end. Therefore, at this stage, it would not be appropriate to quash the complaint inasmuch as disputed questions of law and facts are involved, which require appreciation of evidence. Therefore, petitioners are relegated to the trial Court to raise all the pleas, which have been raised in these petitions, before it.

Disposed of.

April 10, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No