

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

(i) CRM No.M-24162 of 2017 (O&M)

Ashish Verma

...Petitioner

VERSUS

Nancy Sangwan

...Respondent

(ii) CRM No.M-24949 of 2017 (O&M)

Ashish Verma

...Petitioner

VERSUS

Nancy Sangwan

...Respondent

Date of Decision: January 22, 2019

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Aashna Gill, Advocate
for the petitioner.

Mr.Sanjay Vashisth, Advocate
for the respondent.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as point
for determination in these cases is the same.

Petitioner has filed these petitions under Section 482 Cr.P.C.
for quashing of complaint No.RBT/150-2 dated 09.02.2016 and complaint
No.43/2016 dated 09.02.2016, both titled as 'Nancy Sangwan vs. M/s Value

Infra Build India Pvt. Ltd. and others' as well as summoning orders dated

27.04.2016 and all the proceedings arising therefrom.

Notice of motion was issued. Learned counsel for the respondent appeared and contested the petitions.

I have heard learned counsel for the parties and have gone through the record.

The perusal of the record shows that Nancy Sangwan filed complaints against M/s Value Infrabuild India Pvt. Ltd. and its Directors, CMD etc. and also against present petitioner Ashish Verma, Director of M/s Value Infracon India Pvt. Ltd. In para 4 in the complaints in both cases, Ashish Verma has been mentioned as Director of M/s Value Infrabuild India Pvt. Ltd. but the perusal of the headnote of the complaints itself show that Ashish Verma was not the Director of M/s Value Infrabuild India Pvt. Ltd., rather, he was Director of M/s Value Infracon India Pvt. Ltd.

Learned counsel for the petitioner relied upon the document regarding Management Search Report where present petitioner has not been shown as Director or additional Director. This fact that present petitioner is not Director of M/s Value Infrabuild India Pvt. Ltd. is not contested by learned counsel for the respondent nor any document has been shown, at the time of the arguments, that present petitioner is Director M/s Value Infrabuild India Pvt. Ltd.

The complaints have been filed under Section 138 of the Negotiable Instruments Act qua liability of M/s Value Infrabuild India Pvt. Ltd. Present petitioner is not signatory of the cheques in question. He is also not Director of M/s Value Infrabuild India Pvt. Ltd. nor any specific role has been mentioned in the complaints qua him. Furthermore, he has

been as Director of M/s Value Infracon India Pvt. Ltd., which is clear from

the headnote of the complaints itself but M/s Value Infracon India Pvt. Ltd. is also not accused in this case. It is settled law that a company is a principal offender and its Directors are vicariously liable. If the principal offender has not been made a party, then its Director cannot be held guilty due to vicarious liability. Therefore, in both the cases, the complaints cannot be filed against the present petitioner.

In view of the above discussion, I find merit in both the petitions and the same are allowed. Complaint No.RBT/150-2 dated 09.02.2016 and complaint No.43/2016 dated 09.02.2016, both titled as 'Nancy Sangwan vs. M/s Value Infrabuild India Pvt. Ltd. and others', as well as summoning orders dated 27.04.2016 and all the subsequent proceedings arising therefrom, are hereby quashed qua the petitioner.

January 22, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No