

CRM-M-2779 of 2018

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

CRM-M-2779 of 2018
Date of decision: 09.05.2019

Sundaram Balasubramaniam

.....Petitioner

versus

M/s R.T. Packaging Ltd.

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Aashish Chopra, Advocate,
and Ms. Gurpreet Randhawa, Advocate, for the petitioner.
None for the respondent.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 482 Cr.P.C. prayer has been made for quashing summoning order dated 12.10.2016 (Annexure P-1) passed by the trial Court and complaint No.NI Act.186/2016 dated 11.04.2016 (Annexure P-2) filed by respondent against the petitioner under Sections 138, 141, 142 of the Negotiable Instruments Act, 1881 (for short the 'Act') and Sections 406 and 420 IPC.

Learned counsel for the petitioner *inter alia* contends that petitioner was appointed as alternative director by the then Company Law Board (now National Company Law Board) in place of Jatin Kakkar a non-executive nominee director of M/s Horse Shoe Capital on account of his absence being abroad for more than three months. Therefore, petitioner had no role in day-to-day affairs of the accused company. Rather he was a sleeping director under forced circumstances being appointed by the Company Law Board. Petitioner has falsely been implicated in the

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aforesaid complaint filed by the respondent.

Heard.

Despite service of notice, respondent-complainant did not choose to come present and contest this petition. Therefore, it can safely be presumed that respondent-complainant is not interested in pursuing its complaint (Annexure P-2) against the petitioner.

Accordingly, the petition is allowed. Complaint (Annexure P-2) and summoning order dated 12.10.2016 (Annexure P-1) are quashed qua petitioner only.

May 09, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No