

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

(i) CRM No.M-39494 of 2014 (O&M)

Shreenarayan Agrawal

...Petitioner

VERSUS

M/s Singla Agencies

...Respondent

(ii) CRM No.M-29386 of 2015 (O&M)

Menguin Oil India

...Petitioner

VERSUS

M/s Singla Agencies

...Respondent

Date of Decision: August 27, 2019

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.P.S.Ahluwalia, Advocate
for the petitioners.

Mr.Manish Kumar Singla , 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.

The petitioners have filed these petitions under Section 482

Cr.P.C. for quashing of criminal complaint No.26 of 14.05.2007 instituted

at the instance of complainant-respondent for offence under Sections 406, 409, 420 and 34 IPC, summoning order dated 26.09.2011 passed by learned SDJM, Malerkotla, vide which petitioners were summoned to face trial for offence under Section 406 read with Section 34 IPC as well as judgment dated 12.08.2015 passed by learned Addl. Sessions Judge, Sangrur, vide which the revision filed by petitioner Menguin Oil India was dismissed.

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.

At the time of arguments, it is admitted that accused-petitioners were summoned to face trial for the offence under Section 406 IPC, which is punishable for maximum sentence of three years. As per Section 468 Cr.P.C., the limitation prescribed for filing complaint, where the offence is punishable upto three years, is three years. The execution of agreement on 23.10.1999 is admitted fact. It is also admitted fact between the parties that security amount of ₹2 lakhs was given on 23.10.1999. It is further admitted fact that agreement was only for two years, which means that agreement expired in the year 2001 and security amount was to be returned at that time, meaning thereby that cause of action arose in the year 2001 and the complaint, if at all, could have been filed within three years i.e. upto 2004 but this complaint has been filed in the year 2007 and therefore, it is clearly time barred. On this ground alone, the complaint is liable to be quashed. Nothing has been argued by learned counsel for the respondent on this point.

discuss other facts of complaint.

In view of the above discussion, both the petitions are allowed.
Criminal complaint No.26 of 14.05.2007 titled as 'M/s Singla Agencies vs. M/s Menguin Oil India and another' and summoning order dated 26.09.2011 along with all subsequent proceedings are hereby quashed.

August 27, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No