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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-45482-2018
Date of Decision : March 27, 2019

Jasbir Kaur Petitioner

Versus

Nirmal Singh Respondent

2. CRM-M-50140-2018

Jasbir Kaur Petitioner

Versus

Ravinder Singh Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. P.S. Jammu, Advocate,
for the petitioner.

Mr. Daljeet Singh Virk, Advocate,
for the respondent(s).

SHEKHER DHAWAN, J.

As common questions of law and facts are involved in the above titled two revision petitions, pertaining to offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (for short, "**the Act**"), with the consent of the parties, the same are taken up together and are being disposed of by this common judgment. For facility of reference, facts are being taken from **CRM-M-45482-2018**.

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2. Present petition under Section 482 of the Code of Criminal Procedure is for quashing Criminal Complaint No. NACT/110 dated 03.05.2016 titled, **Nirmal Singh Vs. M/s Mukta Seed Company and others, (Annexure P/2)** filed by the respondent and order dated 3.1.2018 (Annexure P/3 Colly.) passed by learned Judicial Magistrate 1st Class, Ellenabad vide which notice of accusation was served on the petitioner and order dated 25.07.2018 (Annexure P/4) passed by learned Additional Sessions Judge, Sirsa whereby revision petition filed by the petitioner was dismissed.

3. Learned counsel for the petitioner contended that the Courts below have completely ignored the facts that the petitioner herein was a member in the registered firm and she was no more member of the firm on the date of issuance of the cheque. As such, the present complaint was not maintainable against the present petitioner and both the Courts below have not considered these facts.

4. Learned counsel representing the respondent(s) contended that the firm – M/s Mukta Seed Company was a registered firm and the petitioner was a member of the same. The dissolution of the firm had never taken place and no intimation was sent to the Registrar of Firms showing dissolution of the firm.

5. That being so and there being no documentary proof available on the file that M/s Mukta Seed Company was dissolved on the basis of some document, which was duly registered and intimation to the Registrar of Firms was ever made, the registered firm still continues to operate and the plea taken by learned counsel for the petitioner is not tenable.

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5. In the light of above, there are no grounds to quash the complaint and set-aside the orders impugned in these petitions. Resultantly, both these petitions stand dismissed.

(SHEKHER DHAWAN)
JUDGE

March 27, 2019
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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes