

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-8619-2017 (O&M)

Suresh Kumar Agarwalla and another

.... Petitioners

Versus

M/s Aarti Textile

.... Respondent

2. CRM-M-8719-2017 (O&M)

Suresh Kumar Agarwalla and another

.... Petitioners

Versus

M/s Aarti Textile

.... Respondent

3. CRM-M-8720-2017 (O&M)

Suresh Kumar Agarwalla and another

.... Petitioners

Versus

M/s Aarti Textile

.... Respondent

Date of Decision: 27.03.2019

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Ravi Kadian and Mr. JL Malhotra, Advocates
for the petitioners.

RAMENDRA JAIN, J. (ORAL)

By this common order, three above titled petitions, based on similar facts are being disposed of. For brevity, the facts are being extracted from CRM-M-8619-2017.

Through this petition under Section 482 Cr.P.C., prayer has

been made for quashing Complaint dated 09.06.2009 (Annexure P-7); summoning order dated 30.06.2009 (Annexure P-8) and all the subsequent proceedings arising therefrom qua the petitioners.

After filing of the instant petition in the year 2017, notice was ordered to be issued to the respondent vide order dated 15.03.2017. Thereafter, the case was taken up on 23.08.2017, on which date as per office report, notice issued to respondent received back unserved with the report that it was not operating at the given address. On that date, learned counsel for the petitioners pointed out that respondent and its partners were evading service in several cases, just to delay the proceedings for putting undue pressure upon the aggrieved persons like the petitioners. The respondent had committed a fraud of Rs.1.13 crores for which FIR No. 199 dated 19.09.2009 under Sections 406, 420, 467, 468, 471 and 120-B IPC was registered against the respondent and its partners at Police Station Tigaon, District Faridabad. Therefore, the partners of respondent by adopting mal practices are out and out to delay the proceedings in the aforesaid FIR.

In view of the above and on perusal of the interlocutory orders reproduced in this petition, this Court observed that it was abundantly clear that respondent-accused on one pretext or the other was definitely delaying the trial. Therefore, proceedings before the trial Court in the complaints filed by the respondent against the petitioners were stayed by this Court.

Considering the above factual aspect of the case, all the above titled petitions are allowed. (i) Complaint No. CC-178-DG/10

dated 09.06.2009 and summoning order dated 30.09.2009 (Annexures P-7 and P-8, respectively in CRM-M-8619-2017); (ii) Complaint No. CC-1151-DG/10 dated 09.06.2009 and summoning order dated 30.09.2009 (Annexures P-7 and P-8, respectively in CRM-M-8719-2017) and (iii) Complaint No. CC-182-DG/10 dated 09.06.2009 and summoning order dated 30.09.2009 (Annexures P-7 and P-8, respectively in CRM-M-8720-2017) are quashed.

Disposed of, accordingly.

March 27, 2019
rishu

(RAMENDRA JAIN)
JUDGE

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