

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.11463 of 2017(O&M)

Date of Decision:-08.07.2019

Bharat Bhushan Jain.

.....Petitioner.

Versus

Union of India & Ors.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present:- Mr. Jagmohan Bansal, Advocate for the Petitioner.

Mr. R.K. Handa, Advocate for respondents

JASWANT SINGH, J.(ORAL)

Petitioner-Bharat Bhushan Jain is one of the Directors of M/s BMV Exim Pvt. Ltd. (for short private company) engaged in the manufacture and export of ready made garments. The DRI Ahemdabad Zone had proceeded to investigate the certain export transactions of the private company for mis-declaration of the countries of destination so as to claim the incentives under a scheme which otherwise was not permitted. The said officer issued a notice for joining the investigation under Section 108 of the Customs Act, 1962. Since the company and its director including the petitioner did not co-operate by appearing and producing the required documents,

the officers of the DRI filed complaint dated 25.04.2017 (**P-12**) under

Section 174 IPC before the court of competent jurisdiction at Ahmedabad. Resultantly, the summoning order dated 25.04.2017 (**P-13**) was issued by the learned Additional Chief Metropolitan Magistrate, Ahmedabad.

Petitioner in the instant writ petition have sought the quashing of the complaint dated 25.04.2017 (**P-12**) and the summoning order dated 25.04.2017 (**P-13**) primarily on the ground of jurisdiction.

At the time of hearing, counsel for the petitioner states that during the pendency of the present writ petition, the investigations have been transferred to the DRI Zonal Office, Ludhiana where the unit of the private company is situated and engaged in its business. It is submitted that in view of the conceded cooperation by the officers of the aforesaid private company in the pending investigations, the impugned complaint and summoning order are required to be set aside as concededly the documents were furnished before the officials at Ahmedabad, however, it was the non presence of the director which had actuated the initiation of the complaint.

On the previous dates of hearing, counsel for the DRI had sought time to seek instructions with regard to withdrawing of the said complaint at Ahmedabad, the proceedings of which are not warranted in view of the subsequent developments.

In the light of the investigations having been transferred to Ludhiana and the counsel for DRI having undertaken to get the aforesaid complaint withdrawn within next one month, no further

adjudication is required in the present writ petition.

Disposed of.

The respondents shall be bound by their stand made through their counsel before this Court.

(JASWANT SINGH)
JUDGE

(LALIT BATRA)
JUDGE

July 08, 2019
Vinay

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