

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

1. CRM-M-35316-2019 (O&M)
Date of decision : 06.09.2019

Chanakya Arora and another

...Petitioners

Versus

M/s SARV BIO LABS Private Limited

...Respondent

2. CRM-M-35375-2019 (O&M)
Date of decision : 06.09.2019

Chanakya Arora and another

...Petitioners

Versus

M/s SARV BIO LABS Private Limited

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Seema Pasricha, Advocate for the petitioners.
(In both the petitions)

Mr. Sushant Kareer, Advocate for the complainant.

ANIL KSHETARPAL, J. (ORAL)

By this order, two petitions bearing CRM-M-35316-2019 and
CRM-M-35375-2019, shall stand disposed of.

On 28.08.2019, while noticing contention of learned counsel
for the petitioners, following order was passed:-

“Present petitions have been filed under Section 482 of the Code of Criminal Procedure for quashing of criminal complaint and summoning order.

Learned counsel for the petitioners contends that accused no.1 is a proprietary concern of Arjun Arora and the petitioners namely Chankya Arora and Vandana Arora are not connected with the firm. She submits that petitioners have been arrayed as accused by describing them as under:-

“3. Chankaya Arora proprietor/partners/authorised signatory/principal employer of M/s Chanakya Pharama, Plot No.71/7, Ground Floor, Building No.A14, Rama Road, Industrial Area, Moti Nagar, New Delhi-110015.

4. Vandana Arora proprietor / partners / authorised signatory / principal employer of M/s Chanakya Pharama, Plot No.71/7, Ground Floor, Building No.A-14, Rama Road, Industrial Area, Moti Nagar, New Delhi-110015.

She further submits that there are no assertions/averments as to how accused no.3 and 4 (petitioners) are being impleaded as accused.

Notice of motion for 06.09.2019.

Dasti only.

Liberty is also granted to serve respondent-complainant through its counsel in the trial Court.

To be listed in urgent.

A photocopy of this order be placed on the file of other connected case. ”

Learned counsel for the complainant does not dispute that accused No.1-Chanakya Pharma is a proprietorship concern of Arjun Arora.

She further submits that neither there is any assertion nor any averments in

the complaint or in preliminary evidence as to what is the role of accused Nos.3 and 4 who are petitioners. Petitioners are admittedly not signatories of the cheque in question. Accused No.3 is son of Arjun Arora-accused No.2 who is alleged to be proprietor of accused No.1-firm. Petitioner No.2-accused No.4 is the wife of Arjun Arora-accused No.2.

In absence of averments in the complaint or in preliminary evidence to prove their involvement in proprietorship business, learned Judicial Magistrate committed an error in summoning the petitioners.

In view thereof, both the petitions are allowed.

06.09.2019

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**