

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-769-2019 (O&M)
Date of Decision:- 10.1.2019

M/s Tagore Theatre Ltd.

... Petitioner

Versus

Municipal Corporation, Patiala

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.P.S.Baaghi, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks quashing of complaint No.467, dated 10.4.2012 qua the petitioner.
2. I have heard the learned counsel for the petitioner.
3. A few facts necessary to notice are that the Municipal Corporation filed a complaint under Section 138 of Negotiable Instruments Act read with Section 420 of IPC against the following two accused:

“1. M/s Tagore Theatre Ltd. Model Town, Patiala through its director Harjinder Singh son of Waryam Singh.
2. Karam Chand, Authorized Signatory M/s Tagore Theatre Ltd. Model Town, Patiala resident of 1-A/15, Greenfield Area, Guru Nanak Nagar, Patiala.”

- 4. While accused No.1 i.e. the petitioner was declared a proclaimed offender, the trial proceeded qua accused No.2 namely Karam Chand who was held guilty.
- 5. Learned counsel submits that accused No.2 Karam Chand who had signed the cheques having been held guilty, there is no case for trying the petitioner especially when Karam Chand was never the authorized signatory of M/s Tagore Theatre Ltd.
- 6. Having heard the learned counsel for the petitioner, the petition is disposed of with liberty to the petitioner to raise all the points raised herein before the trial Court at appropriate stage including his submission that he had never authorized Karam Chand to issue the cheques on his behalf.
- 7. The petition stands disposed of accordingly.

January 10, 2019
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(GURVINDER SINGH GILL)
JUDGE

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