

**CRM-M-52882-2019(O&M)
and connected case**

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

1. CRM-M-52882-2019(O&M)

Veena Goyal and others

.....Petitioners

Versus

Mahesh

.....Respondent

2. CRM-M-52843-2019(O&M)

Veena Goyal and others

.....Petitioners

Versus

Deepak Verma

.....Respondent

Date of decision: 12.12.2019

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Aditya Jain, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

By this order, criminal petitions bearing CRM-M-52882-2019 and CRM-M-52843-2019 shall stand disposed of.

Both the petitions have been filed for quashing of criminal complaints filed under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881 and consequent summoning order on the ground that petitioners-ladies (accused Nos. 5, 6 & 7) do not have any concern with the Company or issuance of the cheques in question, at the initial stage. Para 3 and 4 of the criminal complaint reads as under:-

“3. That accused no. 3 to 9, on behalf of
accused no. 1 and 2 have approached to the complainant

in the middle of November 2015 by stating that they are reputed builder in Faridabad City and have significant presence in real estate development and their several projects are under construction. Further, accused no. 3 to 9, claimed themselves as Director, Authorized Signatory, Dealing and responsible persons for conduct of business of Piyush Group have several companies namely 1. Piyush Colonisers Ltd. 2. Piyush Developers Pvt. Ltd. 3. Apex Real Projects India Pvt. Ltd. 4. Piyush Foundation & Education Research 5. Sonali Real Estate India Pvt. Ltd. 6. Piyush Town planners Pvt. Ltd. 7. Piyush Retails Trading Pvt. Ltd. 8. Piyush Facility Management Pvt. Ltd. 9. PCL Concrete Pvt.Ltd. 10. PCL Software India Pvt. Ltd. 11. PCL Impex Pvt. Ltd. 12. Piyush Buildwell India Ltd. 13 Piyush Engery Ltd. 14. PCL Engineering Pvt.Ltd. 15. AAP Mines & Minerals Pvt. Ltd. 16. Greenview Infracon Pvt. Ltd. 17. ONS Cinemas Pvt. Ltd. 18. Piyush Gold & Diamonds Pvt. Ltd. 19. Banke Bihari Enterprises Pvt. Ltd. 20. Dwell Homes India Pvt .ltd. 21. NPP Commercial Pvt. Ltd. 22. Piyush Infrastructure India Pvt. Ltd.

4. That accused no.3 to 9 by claiming themselves as Director, Authorized Signatory, Dealing and responsible persons for conduct of business of above noted companies, mentioned in para no.3 allured the

complainant by stating that they are in the process of construction of several New Projects having names “Piyush Heights” situated at sector 89, Faridabad, “Piyush Square”, “Piyush Villa”, “Piyush City” situated at Bhiwadi under the name of Piyush Colonisers Ltd.-accused no.2. Accused no.3 to 9 further asked the complainant that for completion of construction and to fully furnished above noted projects, they are in the need of money and tempt complainant to invest the money in above stated projects and also asked that after completion of construction/finalization of developments of above noted projects, complainant is at liberty to purchase flats/ retail space at affordable prices and in the event of flats/retail space, complainant will get the refund of invested money with interest @ 12% per annum.

Petitioners are accused Nos. 5, 6 & 7 whereas their husbands are accused Nos. 2, 3 & 4. The affidavit of petitioner No.1 has been filed disclosing that as many as 20 similar complaints under Section 138 of the Negotiable Instruments Act, 1881 are pending against her involving an amount of Rs.2,01,78,240/- The details of the various pending complaints are as under:-

Sr. No	Complaint No.	Party Name	Disputed cheque amount (Rs.)
1.	1983/2018	Shiv Kumar Jindal Vs. M/s Piyush Infrastructure India Pvt. Ltd.	944000
2.	1984/2018	Krishna Jindal Vs. M/s Piyush Infrastructure India Pvt. Ltd.	1062000

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3.	1985/2018	Anuj Jindal Vs. M/s Piyush Infrastructure India Pvt. Ltd.	1180000
4.	1972/2018	Aditya Gupta Vs. M/s Piyush Infrastructure India Pvt. Ltd.	708000
5.	1974/2018	Aditya Gupta Vs. M/s Piyush Infrastructure India Pvt. Ltd.	590000
6.	1976/2018	Sandhaya Gupta Vs. M/s Piyush Infrastructure India Pvt. Ltd.	590000
7.	1461/2018	Harsh Aggarwal Vs. M/s Piyush Infrastructure India Pvt. Ltd.	1342000
8.	1946/2018	Meetu Gupta Vs. M/s Piyush Infrastructure India Pvt. Ltd.	1062000
9.	2008/2018	Preeti Goyal Vs. M/s Piyush Infrastructure India Pvt. Ltd.	944000
10	2009/2018	Chander Gupt Goyal Vs. M/s Piyush Infrastructure India Pvt. Ltd.	944000
11.	2010/2018	Abhinav Verma Vs. M/s Piyush Infrastructure India Pvt. Ltd.	1062000
12	2011/2018	Akash Jindal Vs. M/s Piyush Infrastructure India Pvt. Ltd.	1180000
13	2041/2018	Raj Kumari Vs. M/s Piyush Infrastructure India Pvt. Ltd.	826000
14	2042/2018	Shyam Sunder Vs. M/s Piyush Infrastructure India Pvt. Ltd.	920400
15	2043/2018	Sangeeta Jindal Vs. M/s Piyush Infrastructure India Pvt. Ltd.	708000
16	3843/2017	Balraj Bhadana Vs. M/s Piyush Infrastructure India Pvt. Ltd.	2000000
17	6927/2018	Deepak Verma Vs. M/s Piyush Infrastructure India Pvt. Ltd.	1135840
18	2640/2018	Anita Modi Vs. M/s Piyush Infrastructure India Pvt. Ltd.	930000
19	2641/2018	Deeksha Modi Vs. M/s Piyush Infrastructure India Pvt. Ltd.	250000
20	281/2018	Mahesh Vs. M/s Piyush Infrastructure India Pvt. Ltd.	1800000
		Total	2,01,78,240/-

The question whether petitioners were/are involved in the affairs of the Companies, would be subject matter of the evidence to be led by the parties. At this stage, it would not be appropriate to draw any

conclusion. As noticed above, specific averments have been made in para 3 and 4 of the complaint against the petitioners. In these circumstances, petitioners are relegated to the remedy before the Magistrate.

Disposed of.

12.12. 2019
rekha
Whether speaking/reasoned
Whether Reportable

(ANIL KSHETARPAL)
JUDGE
Yes / No
Yes / No