

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 07.02.2020

1. CRM-M-5190-2020

Tarun Narang

.. Petitioner

Vs.

M/s Svarn Tex Prints Pvt. Ltd.

..Respondent

2. CRM-M-5205-2020

Tarun Narang

.. Petitioner

Vs.

M/s Svarn Tex Prints Pvt. Ltd.

..Respondent

3. CRM-M-5217-2020

Tarun Narang

.. Petitioner

Vs.

M/s Svarn Tex Prints Pvt. Ltd.

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Parveen Dutt, Advocate for
Mr. S.K. Panwar, Advocate for the petitioner(s).

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Manoj Bajaj, J. (Oral)

Tarun Narang-petitioner has brought these three petitions under Section 482 Cr.P.C. for quashing of respective criminal complaint(s) No. NACT 4393 of 2017, NACT 4392 of 2017 and NACT 4389 of 2017 all titled as M/s Svarn Tex Prints Pvt. Ltd. Vs. M/s Zynke Exports Pvt. Ltd. And Ors.” under Section 138 Negotiable Instruments Act, 1881 (Annexure P-2) respectively as well as the summoning order(s) dated 08.09.2017 (Annexure P-1), passed by Judicial Magistrate, 1st Class, Faridabad.

Since all the complaints pertain to different cheques issued by the accused in favour of the complainant and the grounds raised for quashing of the complaints and summoning order(s) are common, therefore, these petitions are being decided by this common judgment.

The details of five different cheques involved in these petitions are as under:

Sr. No.	Complaint No.	Cheque No.	Amount	Date of dishonor
1.	NACT 4393-2017	692613	3,48,248	29.06.2017
2.	NACT 4392-2017	692624 692620	2,23,104 3,11,880	01.07.2017 01.07.2017
3.	NACT 4389-2017	692618 692619	4,75,345 6,71,288	01.07.2017 01.07.2017

Learned counsel for the petitioner contends that the cheques were issued by accused No.1-Zynke Exports, Pvt. Ltd. and the petitioner being a Director of the said company has been summoned as an accused. She has invited the attention of the Court to (Annexure P-3) to contend that the accused No.1-company is under liquidation and, therefore, prosecution of the petitioner is not justified. She has further produced the deposition of CW-1, namely, Sh Rakesh Gupta, Financial Head of M/s Svam Tex Prints Pvt. Ltd. and argued that the said witness has admitted that the accused company is under liquidation. It is contended that in the given facts and the allegations contained in the complaint, no offence punishable under Section 138 Negotiable Instruments Act, 1881 would be made out, and therefore, the impugned complaints and the summoning order are bad in law. It is prayed that the impugned complaints and the summoning order deserve to be quashed.

During the course of hearing, learned counsel for the petitioner was confronted with the delay in approaching this Court for quashing of the complaints, however, no satisfactory explanation has been given in this regard. She has further fairly stated that the petitioner was signatory to the cheques and has participated in the trial as he has cross-examined the prosecution witness(s). Apart from it, the ground that the accused No.1-company is facing liquidation proceedings is without any relevance as admittedly the said proceedings commenced much after the dishonour of the

cheques in question.

In view of above, it is clear that the petition is founded on the disputed facts and trial which is summary in nature is at an advanced stage, therefore, this Court does not find any reason to exercise the inherent powers under Section 482 Cr.P.C. for quashing the impugned complainants/summoning order and trial proceedings. However, it shall be open for the petitioner to raise all these issues before the trial Court at an appropriate stage.

Petitions are dismissed.

07.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No