

CRM-M-44721 of 2018

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

CRM-M-44721 of 2018
Date of Decision: 23.01.2020

Narinder Singh

....Petitioner

Versus

M/s S.V. Industries and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Aalok Jagga, Advocate,
for the petitioner.

RAMENDRA JAIN, J. (ORAL)

CRM-2787 of 2020

Through this application under Section 482 Cr.P.C. prayer has been made to place on record bank's certificate in compliance of order dated 08.01.2020.

Heard.

For the reasons mentioned in the application, same is allowed subject to all just exceptions. Bank's certificate (Annexure P-15) showing that account of M/s Amit Trading Company is 37628096366 (earlier account number was 30030760676), which is being operated by its proprietor Sh. Amit Chhikara, is taken on record. Be tagged at appropriate place.

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Through this petition under Section 482 Cr.P.C. prayer has been made for quashing criminal complaint No.5738 dated 21.08.2017 (Annexure P-4) titled as “M/s S.V. Industries and another v. Narinder Kumar and another” under Section 138 of the Negotiable Instruments Act, 1881, summoning order dated 24.08.2017 (Annexure P-5) and order dated 07.07.2018 (Annexure P-7) of the trial Court.

Heard.

Grouse of the petitioner is that he has illegally been summoned by the trial Court as proprietor of accused firm M/s Amit Trading Company vide order dated 24.08.2017. He was also illegally declared as proclaimed offender vide order dated 07.07.2018 (Annexure P-7), though he never remained proprietor of the said firm. Rather his brother Amit Chhikara was/is its proprietor. He had no concern or connection ever with the aforesaid accused company.

As per office report, respondent No.1-complainant was duly served through its proprietor respondent No.2. However, he did not choose to contest this petition.

From various documents, including bank's certificate (Annexure P-15), it is apparent that petitioner was never proprietor of the accused M/s Amit Trading Company nor has any connection with the same. Therefore, instant petition is allowed. Criminal complaint No.5738 dated 21.08.2017 (Annexure P-4), summoning order dated 24.08.2017 (Annexure P-5) and order dated 07.07.2018 (Annexure P-7) declaring the petitioner as

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proclaimed offender are quashed qua petitioner only with liberty to the complainant company to take/retake appropriate recourse against the actual proprietor of the accused firm.

January 23, 2020
R.S.

(Ramendra Jain)
Judge

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