

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

Criminal Misc. No. M-5644 of 2021(O&M)

Date of Decision: February 22, 2021

Mohit Kumar Goyal and another

....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: Mr. Randeep Singh Rai, Senior Advocate assisted by
Mr. Gautam Dutt, Advocate for the petitioners.

Mr. P.S. Ahluwalia, Advocate for the complainant.

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HARINDER SINGH SIDHU, J.

By filing this petition under section 482 of the Code of Criminal Procedure, the petitioners have sought quashing of FIR No. 0194 dated 21.09.2020 under Sections 406/420/465/467/468/471/120-B of the Indian Penal Code, Police Station Division No.3, Jalandhar and all subsequent proceedings arising therefrom.

The FIR has been registered against the petitioners and about ten other accused on the complaint of respondent No.2. It is alleged that the complainant and Ambrish Kashyap (father and son) are proprietors of M/s Satyam Agro Foods which deals in Mustard Oil and other products. It was projected to them by the accused that Mohit Goel, Dharna Garg @ Dharna Goel, Manoj Katyan, Anjani Katyan, Sanjay Katyan and Pradeep Singh Nirwan (accused Nos.1 to 6) were the Directors and owners of M/s Family of Dry Fruits India Pvt. Ltd. and M/s Shree Shaym Trading Company and

that the said Firms were being managed and run by one group collectively. It was projected that these firms would purchase Mustard Oil in bulk quantity from the complainant firm. The complainant was assured that 50% of the bill amount would be paid on delivery of the consignment to both the firms and the remaining would be paid within 15 days by way of post dated cheques. It is alleged that the complainant sold mustard oil of the value of Rs. 30,15,452/- vide various consignments to M/s Family of Dry Fruits India Pvt. Ltd. Mustard Oil worth Rs. 1,10,11,033/- was sold to M/s Shree Shyam Trading Company. The complainant did not receive the full payments in respect of that supply. An amount of Rs. 19,28,813/- was outstanding towards M/s Family of Dry Fruits India Pvt. Ltd. and an amount of Rs. 39,99,544/- was outstanding towards M/s Shree Shayam Trading Company. Cheques issued on behalf of the said Firms towards the outstanding amount were dishonoured. It was alleged that accused Nos.1 to 6 in conspiracy with each other had opened two accounts in the name of the Firm M/s Shree Shyam Trading Company on the basis of forged and fabricated documents. One such account was in ICICI Bank which was being operated by Pardeep Singh Nirwan as Proprietor. The other was in AXIS Bank which was being operated by Parmindra Savita as Proprietor. It was also alleged that the accused were involved in similar acts of fraud earlier as well and a number of FIRs had been registered against them some of which were mentioned in the complaint.

Ld. Counsel for the petitioners has argued that petitioner No.1 Mohit Goyal is the Director of M/s Family of Dry Fruits India Pvt. Ltd., while petitioner No.2 Mrs. Dharna Goyal remained Director of the said Company from 11.09.2017 to 15.12.2019 and then resigned from the

Company w.e.f. 15.12.2019. They have no connection with the other firm namely M/s Shree Shyam Trading Company of which Pradeep Singh Nirwan and Parminder Savita are the proprietors. In fact, there is litigation between the two Firms. The only allegations against the petitioners are that an amount of Rs. 19,28, 813/- is outstanding against the Firm M/s Family of Dry Fruits India Pvt. Ltd. This is essentially a civil dispute and no criminality is involved.

Ld. Counsel for the complainant on the other hand has argued that the present is not an isolated case of some amount outstanding against the petitioners in respect of one business dealing. The petitioners are involved in a number of such cases where they have received goods and not made the payments. All this substantiates the assertion in the complaint that their intention from the very beginning was to cheat and defraud.

Having heard Ld. Counsel and perusing the impugned FIR it cannot be said that Prima facie no offence is made out against the petitioners. Therefore, no ground is made out for quashing the FIR.

Accordingly, this petition is dismissed. However, it would be open to the petitioners to apply for anticipatory bail.

[HARINDER SINGH SIDHU]
JUDGE

February 22, 2021
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Whether speaking/reasoned	yes/no
Whether reportable?	yes/no