

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

CRM-M-30702-2017 (O&M)

Date of decision: - 29.10.2021

K.K. Chadha @ Krishan Kumar Chadha and another

....Petitioners

Versus

Vaneet Kumar

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rakesh Bhatia, Advocate, for the petitioners.

Mr. Nitin Thatai, Advocate, for the respondent.

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-31559-2017

Application is allowed, as prayed for.

CRM-M-30702-2017

In the present petition, the challenge is to the complaint No.722 dated 18.01.2017 (Annexure P-2) as well as summoning order dated 20.02.2017 (Annexure P-3) in a complaint case under Section 138 of the Negotiable Instruments Act, 1881 (hereinafter referred as 'NI Act') titled as 'Vaneet Kumar Vs. M/s Chadha Motors and others'.

The challenge has been raised by petitioner No.1-Mr. K.K. Chadha, who was the partner in M/s Chadha Motors and petitioner No.2-Geeta Chadha, who was the Director of M/s Chadha Super Car (P) Ltd. at one point of time. The prayer of the petitioners is that the complaint filed

under Section 138 of the NI Act is not maintainable qua them on the grounds which have been raised in the present petition.

Learned counsel for the petitioners submits that petitioner No.1 has unfortunately died during the pendency of the present petition and therefore, he does not want to press this petition qua him.

Learned counsel for the petitioners submits that the complaint qua petitioner no.2 is not maintainable keeping in view the order passed by a Co-ordinate Bench of this Court in **CRM-M-3586-2017** titled as '**Chadha Super Car (P) Ltd. and another** Vs. **Aabha Sikri**, **decided on 16.09.2021**, wherein, it has already been held that petitioner No.2 had resigned from the Directorship of M/s Chadha Super Car (P) Ltd., much prior to the issuance of the disputed cheques and hence, could not have been impleaded as respondent in the complaint case filed under Negotiable Instruments Act, 1881 so as to be proceeded against, and the said complaint and summoning order therein qua petitioner No.2 was quashed. Learned counsel for the petitioners argues that prayer of petitioner No.2 is covered by the decision in '**Chadha Super Car (P) Ltd. and another** Vs. **Aabha Sikri (supra)**.

Learned counsel appearing on behalf of the respondent very fairly submits that keeping in view the order passed by a Co-ordinate Bench of this Court in '**Chadha Super Car (P) Ltd. and another** Vs. **Aabha Sikri (supra)**, as petitioner No.2 herein was not the Director of M/s Chadha Super Car (P) Ltd. on the date of issuance of the cheques, in which capacity she was impleaded as respondent in the complaint, he has no objection in case the complaint No.722 dated 18.01.2017 (Annexure

P-2) as well as summoning order dated 20.02.2017 (Annexure P-3) are quashed keeping in view the findings recorded by a Co-ordinate Bench of this Court in 'Chadha Super Car (P) Ltd. and another Vs. Aabha Sikri (supra).

As learned counsels for the respective parties are in tandem that keeping in view the order passed by a Co-ordinate Bench of this Court in 'Chadha Super Car (P) Ltd. and another Vs. Aabha Sikri (supra), the complaint No.722 dated 18.01.2017 (Annexure P-2) as well as summoning order dated 20.02.2017 (Annexure P-3) filed against petitioner No.2 is not maintainable, the present petition is allowed qua petitioner No.2 and the complaint No.722 dated 18.01.2017 (Annexure P-2) as well as summoning order dated 20.02.2017 (Annexure P-3) are quashed qua her.

As submitted by learned counsel for the petitioners that petitioner No.1 has passed away during the pendency of the present petition, the same has already been rendered infructuous qua him and no further orders are required to be passed to that effect.

Keeping in view the fact that the present petition stands allowed qua petitioner No.2, the trial Court will be free to take up the complaints in question for proceeding against the remaining accused in accordance with law.

(HARSIMRAN SINGH SETHI)
JUDGE

October 29, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No