

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201-2

CRM-M-37771-2016 (O&M)
Date of Decision: 14.11.2022

Rakesh Bansal

Versus

..... Petitioner

Oasis Commercial Pvt. Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rajiv Mittal, Advocate
for the petitioner.

Mr. Mrigank Sharma, Advocate
for the respondent.

JAGMOHAN BANSAL, J. (Oral)

The petitioner through instant petition under Section 482 Cr.P.C. is seeking quashing of complaint No. 1413 of 2015 dated 11.05.2015/01.06.2015 (Annexure P-1) under Sections 138 and 142 of Negotiable Instruments Act titled as “Oasis Commercial Pvt. Ltd. vs. Rakesh Bansal” pending before JMIC, Ambala and summoning order dated 24.07.2015 (Annexure P-2).

Learned counsel for the petitioner submits that the petitioner is a company and respondent has filed petition under Section 138 of NI Act, without pleading company as accused.

In support of his contention learned counsel relies upon the judgement of this Court in **G.P.Kotyal @ Kottiyal vs. Jindal Udyog and another, 2016 (4) RCR (Criminal) 723.**

Learned counsel for the respondent submits that petitioner is

not a public/private limited company established under Companies Act, 1956 or Companies Act, 2013. Learned counsel further submits that petitioner is not even a partnership firm. He draws attention of this Court to Page 20 (Annexure P-4) to indicate that there is a stamp of proprietor/authorised signatory over the cheque in question which indicates that Vijay Singh L-13 is a proprietorship concern and petitioner is an authorised signatory.

Having gone through record of the case with able assistance of counsel for the parties and argument of both sides, I find that present petition is bereft of merit and deserves to be dismissed.

From the perusal of record especially Annexure P-4 i.e. cheque in question, it is quite evident that cheque was not issued by public/private limited company whereas it has been issued by Vijay Singh L-13 and there is stamp of proprietor/authorised signatory over the cheque in question which discloses that petitioner is an authorised signatory of Vijay Singh L-13. The petitioner is not disputing the fact that cheque was signed by him.

In view of the facts and circumstances, this Court finds itself unable to interfere and quash proceedings pending before learned Judicial Magistrate Ist Class, Ambala. Accordingly, the petition is dismissed, however, the petitioner is at liberty to raise all his pleas before learned trial Court.

(JAGMOHAN BANSAL)
JUDGE

14.11.2022

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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>