

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

126-A

CRM-M-46203-2022 (O&M)

Date of Decision : 10.10.2022

Weez India Entertainment Ltd. and othersPetitioners

Versus

Raj KumarRespondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Sunny K. Singla, Advocate for the petitioners.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for quashing of complaint NACT No.1380-2018 titled as 'Raj Kumar Vs. Weez India Entertainment Ltd. Etc.' filed under Section 138 of the Negotiable Instruments Act, 1881 pending before learned Judicial Magistrate First Class, Faridabad.

Brief facts of the case are that petitioners had took loan of Rs.98,00,000/- from the complainant/respondent through RTGS in the account of M/s GCTRO Health Pvt. Ltd. After advance of loan the petitioners have not return any money to the complainant/respondent. Thereafter, petitioner No.2 issued cheque bearing No.494578 dated 04.12.2017 amounting to Rs.59,00,000/- and cheque bearing No.494579 dated 08.12.2017 amounting to Rs.39,00,000/- both drawn on ICICI Bank Sector-8, Rohini, Delhi in favour of complainant/respondent. However, on presentation of said cheques for encashment in the respondent account, the same were dishonoured for the reason 'frozen company dissolved'. Legal notice dated 03.01.2018 was issued to the petitioners but they failed to pay the amount of

bounced cheque. Thereafter, the complainant/respondent filed complaint under Section 138 and 142 of the N.I. Act against the petitioners.

Learned counsel for the petitioners submits that only petitioner No.2 is signatory of the cheque in question and in the entire complaint there is not even a single word regarding the petitioners No.3 and 4. Petitioner No.1 (company) cannot be held liable for the payment of dues of petitioner No.2 allegedly being taken in personal capacity. The Judicial Magistrate vide its order dated 18.03.2020 wrongly summoned all the directors (petitioners No.2 to 4) of the company. The petitioners filed an application under Sections 258 and 245 of the Cr.P.C. seeking discharge of petitioners No.3 and 4 before the trial Court on 04.07.2022 which is still pending for adjudication.

I have heard learned counsel for the petitioners and gone through the paper-book.

It is a matter of evidence to be led before the Magistrate as to whether petitioners No.3 and 4 have any role as alleged by the complainant or not. Moreover, the petitioners can appear before the trial Magistrate and can raise all the contentions raised in this petition before the trial Magistrate at an appropriate stage. The petitioners cannot be allowed to bypass the trial Court.

In view of the above, I find no merit in this petition which is accordingly dismissed.

10.10.2022

Kothiyal

(ASHOK KUMAR VERMA)

JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No