

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202 CRM-M-7359-2020
Date of Decision:20.09.2023

Bhim Sain DuaPetitioner
Vs.
Kuljit Singh and AnotherRespondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. B.D. Sharma, Advocate
for the petitioner.

None for respondent No.1.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of criminal complaint bearing No.NACT-6321-2019 titled as ‘Kuljit Singh Vs. M/s Dua Traders and Others’ (Annexure P-1) and the summoning order dated 19.12.2019 (Annexure P-2) and all subsequent proceedings arising therefrom.

Learned counsel contends that complaint (Annexure P-1) was filed by respondent No.1- Kuljit Singh against M/s Dua Traders and two others by claiming that Baldev Krishan Dua and Bhim Sain Dua (present petitioner) were the partners in the said firm. Learned counsel contends that cheques in question (Annexure P-4 & Annexure P-5) were signed by Baldev Krishan Dua as a partner. Learned counsel contends that petitioner was never the partner of the firm Dua Traders at any point of time. Attention in this regard is drawn towards copy of partnership deed dated 09.05.2008

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(Annexure P-7) as per which it is Baldev Krishan Dua, Smt. Urmil Dua and Shri Kanwal Dua who were the partners of the firm. Annexure P-8 is the retirement deed dated 31.03.2017. Annexure P-9 is the fresh partnership deed dated 01.04.2017, as per which Baldev Krishan Dua and Smt. Urmil Dua are the only partners of the firm. Annexure P-10 is Form ‘A’ issued by the Registrar of Firms and Societies, which further confirms that petitioner was never the partner in M/s Dua Traders.

Despite service of notice of this petition, respondent No.1-complainant has not appeared so as to controvert the averments as made by the petitioner.

In view of the circumstances brought to the notice by learned counsel for the petitioner, which are supported by the documents annexed with this petition, the present petition is hereby accepted as is found that petitioner was never the partner of M/s Dua Traders. Therefore, the complaint in question (Annexure P-1), summoning order dated 19.12.2019 (Annexure P-2) and all the subsequent proceedings arising therefrom are hereby quashed qua the petitioner only.

(DEEPAK GUPTA)
JUDGE

September 20, 2023
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No