

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-18566-2024  
Date of Decision:18.04.2024

Dr. Anupama Nain  
Vs.  
Rishabh Dangi and Others

.....Petitioner  
  
.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Akhil Sharma, Advocate  
for the petitioner.

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DEEPAK GUPTA, J.(ORAL)

By way of this petition filed under Section 482 Cr.P.C, petitioner prays to quash complaint dated 05.06.2023 titled as “Rishabh Dangi v. Family Health Care” bearing No.NACT-1683-2023 (Annexure P-1) as well as summoning order dated 05.06.2023 (Annexure P-2) passed by learned JMIC, Panipat.

2. Complaint (Annexure P-1) was filed by respondent No.1- Rishabh Dangi to prosecute the accused Family Health Care Hospital Pvt. Ltd. and its Directors Dr. Suresh Kumar Nain and Dr. Anupama Nain under Section 138 read with Section 142 of the Negotiable Instruments Act. Petitioner- Dr. Anupama Nain has been impleaded as accused No.3. After recording preliminary evidence learned Magistrate directed issuance of the process under Section 138 read with Section 141 of the Negotiable Instruments Act vide order dated 05.06.2023.

3. Learned counsel for the petitioner contends that petitioner is not the signatory to the cheque and that it is respondent No.3 (accused No.2-

Dr. Suresh Kumar Nain) in the complaint, who is the authorized signatory of the company. It is further submitted that entire management and dealing of the accused company are under the control of Dr. Suresh Kumar Nain-respondent No.3 and petitioner was merely a Director and working as a practicing doctor.

4. Perusal of the complaint (Annexure P-1) would reveal that it has been alleged in para No.1 by the complainant as under:

“That the accused no.1 is a Private Limited Company Registered with the Register of Companies, Delhi and the accused no.2 is Director/Authorized Signatory of the accused No.1 and the accused no. 3 is also Director of accused no.1. The accused no.1 is running its hospital under the name and style of Clearmedi Hospital & Cancer Centre at Plot No. HC-1, Sector-15, Vasundra, Ghaziabad-201012, (U.P.). The accused no. 2 and 3 are active Director of the accused no.1 when the offence was committed. As such, accused no. 2 and 3 are jointly and severally responsible for the acts, conduct and deeds and day-to-day working of the accused no.1. As such, the accused no.2 and 3 are also liable for the acts, conduct and deeds on behalf of the accused no.1 in their personal capacity as well.”

5. It is thus clear from the aforesaid allegations made in the complaint that accused No.3 (petitioner herein) is not only the active director of the accused No.1 company, who is alleged to have committed the offence but is alleged to be jointly and severally responsible for the acts, conduct and day-to-day working of the accused company.

6. In the face of aforesaid allegations, prima facie ingredients to constitute offence under Section 138 to be read with Section 141 of the Negotiable Instruments Act are made out. The pleas as raised by the petitioner before this Court, may be taken by him during trial at the appropriate stage.

7. In view of the above, this Court does not find any ground so as to quash the complaint or the impugned summoning order.

Dismissed.

April 18, 2024

( DEEPAK GUPTA )  
JUDGE

|                |                           |        |
|----------------|---------------------------|--------|
| Neetika Tuteja | Whether Speaking/reasoned | Yes/No |
|                | Whether Reportable        | Yes/No |