



CRM-M-44184-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(121)

CRM-M-44184-2024
Date of Decision : 25.09.2024

Manu Nath ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl. AG, Haryana.

Mr. Savreet Singh Brar, Advocate
for the respondent No.2.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, filed under Section 482 of Cr.P.C., a prayer is made for quashing of complaint bearing No.NACT/6582/2017, dated 19.12.2017 (Annexure P-1), as well as the summoning order dated 11.01.2018 (Annexure P-2), passed by the learned Judicial Magistrate, Ist Class, Faridabad, along with all the subsequent proceedings arising therefrom, qua the petitioner.
2. Learned counsel for the petitioner on asking for the relief (supra), submits that the petitioner remained employed for a certain period of time with the accused No.1/company, i.e. Sanchaya Real Estate and Land Pvt. Ltd. He further submits that on the date when the cheque was issued, he was not on the helm of the company. He also submits that the petitioner is neither signatory, nor having any concern with the company, at the time of issuance



3. This Court, has put a specific query to the petitioner, whether, the petitioner has any admissible document, at this stage, to substantiate his version that the petitioner was not working with the company, at the relevant time, for which he is unable to refer any document.

4. In paragraph No.4 of the complaint, there are specific allegations, which reads as under :-

“4. That you accused No.5 is the Manger of accused No.1 company and was managing the affairs of accused No.1 company on day to day basis in Dubai at the relevant point of time. All the day to day decisions & affairs of you accused No.1 company in Dubai was taken by you accused No.5.”

5. It is also the case of the petitioner, that out of total five accused persons, three have already been declared as a proclaimed person. The dispute raised by the learned counsel for the petitioner, before this Court, are disputed question of facts, which cannot be adjudicated under the provisions of Section 482 of Cr.P.C.

6. Accordingly, the instant petition is **dismissed**.

7. However, liberty is reserved to the petitioner, to raise all such pleas, which are raised before this Court, before the learned trial Court, concerned, at an appropriate stage of trial.

(KULDEEP TIWARI)
JUDGE

September 25, 2024
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No