



CRM-M No. 53864 of 2024

129

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

CRM-M No. 53864 of 2024

Date of Decision: 28.10.2024

Gagandeep Singh Swani

...Petitioner

Versus

Ankita Gupta

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Manish Jain, Advocate  
Mr. Siddhant Jain, and  
Mr. Manan Jain, Advocate  
for the petitioner.

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**ANOOP CHITKARA, J.**

1. Aggrieved by order dated 08.04.2024 passed by JMIC, Ludhiana, the petitioner who was Managing Director of the Company namely Swani Motors Services Private Limited has come up before this Court.

2. Counsel for the petitioner has drawn attention of this Court to an irregularity in the order dated 08.04.2024. Counsel submits that it is not irregularity but it is an illegality because company has not been summoned. Once the Company has not been prosecuted, then Directors cannot be prosecuted and punished because it is the Company who was the main violator. Although Company cannot be sentenced to imprisonment but the company can be sentenced to fine and the law is well settled.

3. I have perused the impugned order dated 08.04.2024. On the face of it, no cognizance was taken against accused No.1 and cognizance was taken only against respondents No.2 and 3.

4. Given above, there is no need even to issue notice to the complainant because an irregularity has to be corrected at this stage which would be in the interest of the complainant.

5. In the entirety of facts and circumstances, impugned order dated 08.04.2024 is quashed and set aside. Since this Court has quashed the order of



CRM-M No. 53864 of 2024

cognizance itself, as such there is no necessity for the petitioner to remain present in Court. Trial Court to apply its mind afresh qua taking of cognizance in accordance with law. All pending applications, if any also stands disposed.

(ANOOP CHITKARA)  
JUDGE

28.10.2024  
Jyoti Sharma

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