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(253)

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

CRM-M-35208-2013

Date of Decision: 26.09.2025

M/S SUBHASH IRON STORE & ANOTHER

... Petitioners

Versus

SOM NATH SINGLA & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Nakul Sharma, Advocate
for the petitioners.

Mr. Vishal Gupta, Advocate
for respondent No.2.

Mr. Sidhant Bhonsle, Legal Aid Counsel
for respondent No.3.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the order dated 04.05.2013 passed by the Sub Divisional Judicial Magistrate, Amloh vide which the complaint filed by the petitioner/complainant has been dismissed and further for quashing of order dated 22.07.2013 (Annexure P-1) passed by the Addl. Sessions Judge, Fatehgarh Sahib vide which the revision filed by the petitioner/complainant has been dismissed.

2. The present complaint was filed by the complainants/petitioners with the averments that complainant no.2 was the sole proprietor and Karta of the complainant No.1 firm carrying on the business of trading/sale and purchase of iron and its products including raw material by importing the

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same from different countries, from different persons/concerns through the import channel. The accused no.1 was working as a trader/broker under the name and style of M/s Gagan Steel Traders, Amloh Road, Gobindgarh. The accused No.2 was the son of accused No.1 and was working as a Trader, exporter and broker in partnership under the name and style of Orion Worldwide General Trading, LLC, P.O. Box 43388 Dubai. The accused No.3 was working as a supplier of heavy melting scrap and other raw material. The complainant/petitioner averred that in the month of September, 2008, the accused Som Nath Singla approached the complainant for sale of heavy melting Scrap (HMS) being about 500 MT @ US\$ 470 per MT. The complainant/petitioner was in need of raw material and had ordered melting scrap to the tune of 500 metric ton and accordingly handed over a sum of Rs.3 lacs to the accused no.1 on being asked by the accused no.2. The complainant/petitioner had paid 20,000 US Dollar as import advance to their bank Yes bank, Mandi Gobindgarh on 3.10.2008 for remittance to the accused No.3 but the accused persons failed in supplying the material. They refused to return the amount received from the complaint leading to the filing of the complaint.

3. In the preliminary evidence, the complainant/petitioner examined Varinder Singh, who proved regarding payments being made from the complainant firm to Nayan International. He also proved debit advice Ex.C1, certified copy of statement of account Ex.C2, entries showing the debiting of an amount of Rs.9,42,499.18 Ex.C3.



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4. The complainant/petitioner No.2-Satish Kumar examined himself as CW2, wherein he stated that the accused no.2, who was the son of accused No.1 was a trader, exporter and worker under the Orion Worldwide General Trading Company, Dubai, who had agreed to get the material supplied from accused no.3 but the material was not supplied to him. The complainant/petitioner stated that he had paid Rs.3 lacs in cash to the accused No.1 through his son Gourav Goyal.

5. Gourav Goyal son of Satish Kumar was examined as CW3, who also substantiated the case of the complainant/petitioner.

6. Bahadur Singh son of Rajinder Singh was examined as CW4, who deposed regarding striking of a deal with the complainant and accused No.2 at the instance of accused No.1.

7. Based on the preliminary evidence led, while accused respondent No.1-Som Nath Singla was summoned to face trial under Section 420 IPC, the complaint qua accused respondent Nos.2 and 3 was dismissed. Copy of the said order dated 04.05.2013 is attached as Annexure P-2 to the petition.

8. The complainant/petitioner preferred an appeal before the Court of Addl, Sessions Judge, Fatehgarh Sahib which came to be dismissed vide order dated 22.07.2013 (Annexure P-1).

9. Thereafter, the instant petition has been filed for quashing of the aforementioned orders dated 04.05.2013 and 22.07.2013 (Annexures P-1 & 2 respectively).

10. The learned counsel for the petitioner/complainant contends that there is ample evidence to suggest that the accused respondent Nos.2 and 3

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had business dealings with the complainants and were to supply the material on the payment having been made. The Trial Court ought to have summoned accused respondent Nos.2 and 3 along with accused respondent No.1 to face trial under Section 420 IPC. He therefore, prays that the impugned orders be quashed and respondent Nos.2 and 3 also be summoned to face trial along with respondent No.1.

11. The learned counsels for respondent Nos.2 & 3, on the other hand, contend that accused respondent No.1-Som Nath Singla has passed away. It has been categorically found by the Trial Court that there was no evidence of the culpability of the answering accused/respondents. A similar complaint had been instituted by the present complainants against respondent No.2. On facing trial, respondent No.2-Gagan Singla and one Ajay Makaria came to be acquitted vide judgment dated 21.09.2022 passed by the SDJM, Amloh. Even otherwise, the complaint was filed in the year 2011 and the petitioner/complainant was at liberty to avail his remedies in accordance with law and no useful purpose would be served by subjecting the respondent Nos.2 and 3 to a trial once the main accused himself has passed away.

12. I have heard the learned counsel for the parties.

13. Admittedly, on the basis of a preliminary evidence led, only accused/respondent No.1 was summoned to face trial who has now passed away. Respondent Nos.2 and 3 were not summoned as there was no evidence of the fact that there were business dealings between the complainant/petitioner on the one hand and the accused respondent No.3 on the other. Nothing substantial has been brought on record to affix the *prima*



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facie culpability of the answering respondent Nos.2 and 3. Further, the efforts for mediation have also not fructified.

14. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

26.09.2025

JITESH

(JASJIT SINGH BEDI)
JUDGE

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