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

CRM-M-42579-2017

Date of decision 16.03.2026

M/S SUVED DEVELOPERS PVT LTD AND OTHERS

..... PETITIONERS

VERSUS

MUNISH KUMAR DHIR AND ORS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Ashish Gupta, Advocate,
Mr. Varun Gupta, Advocate &
Ms. Gunjan Aggarwal, Advocate
for the petitioners.

Mr. Ravi Singh, Advocate
for respondent No.1.

SURYA PARTAP SINGH. J.

1. By invoking the extra-ordinary jurisdiction vested in this Court by virtue of Section 482 of Criminal Procedure Code, the present petition has been filed by the petitioners for quashing of criminal complaint, filed against them with regard to commission of offence punishable under Section 138 of Negotiable Instruments Act has been sought.

2. In nut-shell the facts emerging from record are that the respondent No.1-Munish Kumar filed a complaint for the commission of offence punishable under Section 138 of Negotiable Instruments Act against the petitioners and two more accused namely Jaswant Singh Sandhu and his firm

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‘M/s Sandhu Tours and Travels’. It has been alleged by the complainant/respondent No.1, hereinafter being referred to as respondent No.1 only, that in the discharge of a legally enforceable liability, a cheque worth Rs.10,00,000/- was issued on 20.03.2017 by the petitioners and the respondents No.2 and 3, and that the above-mentioned cheques was signed by the respondent No.2 only. It is the claim of the respondent No.1- that the petitioner No.1 is the sister concerned of the respondent No.3, and that the petitioners No.2 to 3 are the Directors of petitioner No.1-company. According to complainant, being a sister concern the petitioners and the respondents No.2 and 3 were jointly liable to pay the above-mentioned amount, and that in discharge of such liability, they all had issued the above-mentioned cheques.

3. Heard.

4. It has been contended by learned counsel for the petitioners that the petitioners have nothing to do, whatsoever, with any kind of transactions between the respondent No.1 on one hand and respondent No.2 on another. It has been vehemently denied by learned counsel for the petitioners that the petitioner No.1 is the sister concerned of respondent No.3 or that they have the link of any kind whatsoever.

5. It has also been contended by learned counsel for the petitioners that before filing of the complaint, a legal notice was served by the respondent No.1 upon the petitioners, which was duly replied by the petitioners on 13.04.2017 (Annexure P-4). As per learned counsel for the petitioners even in the reply notice, it was clarified to the respondent No.1 that neither the petitioners had any liability nor any concern, whatsoever, with the respondents No.2 and 3. While claiming that neither the petitioners are signatory to cheques



nor they had any legal liability, they are being prosecuted. Hence, the present petition seeking for quashing of complaint vis-a-vis summoning order.

6. The learned counsel for the respondent No.1, has controverted the above-mentioned arguments. According to learned counsel for the respondent No.1, the petitioner No.1 is sister concerned of respondent No.3 and this fact has been specifically mentioned in the complaint itself. According to learned counsel for the respondent No.1 the above-said controversy can be decided in the trial only, and that at this stage no ground for quashing of complaint, or the and summoning order, is made out.

7. The record has been perused carefully.

8. A perusal of record shows that in the present case there is no denial of the fact that the cheque in question was signed by the respondent No.2- Jaswant Singh, and the copy of cheque available on record shows that it was on behalf of respondent No.3. There is nothing on record to show that the above-mentioned cheque was in any way related to the discharge of any liability of the petitioners.

9. In addition to above, it is also relevant to mention here that in the complaint also except a passing reference that the petitioner No.1 is the sister concern of the respondent No.3, there is nothing on record to show what kind of business relationship between the petitioner No.1 and the respondent No.3 exists. It is also relevant to mention here that the reply notice had also been served upon the respondent No.1, wherein this fact had been duly clarified that the petitioner No.1 had nothing to do with the business of respondent No.1.

10. Taking into consideration the totality of circumstances as there is nothing on record to show that the petitioner No.1 has got any kind of business

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dealing with the respondent No.3, and that the respondent No.1 has failed to show that there was any existing liability of petitioner No.1, to pay a sum of Rs.10,00,000/- to the respondent No.1, or that the cheque was issued in discharge of that liability only, it is hereby held that the filing of complaint against the petitioners is nothing but an abuse of process of law, and therefore it is hereby ordered that the complaint as well as the summoning order deserves to be quashed. Hence, the present petition is hereby accepted. The summoning order dated 12.09.2017 and the complaint, in question, are hereby quashed qua the petitioners.

(SURYA PARTAP SINGH)
JUDGE

16.03.2026*vipin*

Whether speaking/reasoned : Yes
Whether Reportable : No