

2026:PHHC:083104



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

201

CRM-M-25489-2025 (O&M)

Date of decision: 26.05.2026

BIDYUT CHATTOPADHYAY

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Manish Deswal, Advocate for
Mr. Rahul Singla, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

Mr. Sarvesh Malik, Advocate for respondent No.2.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition filed under Section 482 Cr.P.C is for quashing of complaint case No.COMA 101/2021 dated 01.02.2021 under Section 138 of the NI Act, qua the petitioner; summoning order dated 14.12.2022 (Annexure P2) passed by the Ld. Judicial Magistrate 1st Class, Bahadurgarh, District Jhajjar.

2. Learned counsel for the petitioner submits that the transaction for which the disputed cheque was issued and later dishonoured relates to the year 2020. However, the petitioner was no longer associated with the accused company, namely Corodex Infrastructure Pvt. Ltd., at the relevant time, as he had already resigned from the post of Director on 30.07.2016. In support thereof, relied on the Acknowledgement of Resignation under Section 168 of the Companies Act, and Form DIR-11 (Annexures P-3 and P-4 respectively).

3. Learned counsel for respondent No.2 has no objection for proceedings to be dropped against the petitioner, however, to continue against the others.

4. Insofar as the issue of the liability of a Director who had resigned is concerned, the same is no longer *res integra*, as settled in **Harshendra Kumar D. vs. Rebatilata Koley**, (2011) 3 SCC 351, wherein the Director had resigned on 02.03.2004 and the dishonoured cheques were issued on 30.04.2004, Hon'ble the Supreme Court observed that where, on the very face of unimpeachable and reliable documents produced by the accused, the allegations levelled against the appellant cannot be sustained, since on the date the offence, he was not the Director; had nothing to do with the affairs of the Company, thus continuation of the criminal complaints against him, would tantamount to an abuse of process and set aside the judgment passed by the High Court, with the observations that quashing of the complaint in exercise of the inherent jurisdiction under Section 482 of Cr.P.C. so as to prevent injustice would be justified. For, if the accused is compelled to face trial and establish his defence before the trial court in such circumstances, it would amount to a travesty of justice.

5. In the facts as involved in the present case, Hon'ble the Supreme Court in **Adhiraj Singh vs. Yograj Singh**, 2024 SCC OnLine SC 5558, while allowing the appeal and setting aside the judgment of High Court, quashed the complaints qua the appellant, by observing that he had resigned on 21.06.2019, which was submitted before the Registrar of Companies on 26.06.2019, whereas the cheques in question were issued on 12.07.2019 and further holding that, "Having considered the submissions made by learned counsel for the parties, we find that in the present case on the date of issuance of the cheques, the appellant had already resigned. The fact regarding resignation is not in dispute. It is also not in dispute that the cheques issued by the Company were signed by another

competent person on behalf of the Company. Once the facts are plain and clear that when the cheques were issued by the Company, the appellant had already resigned and was not a director in the Company and was not connected with the company, he cannot be held responsible for the affairs of the Company in view of the provisions as contained in Section 141 of the NI Act.”

6. No criminal liability can be fastened upon the Directors, without there being specific averment/s in the complaint, regarding their role, as held by Hon’ble the Supreme Court in **National Small Industries Corpn. Ltd. vs. Harmeet Singh Paintal** (2010) 3 SCC 330, which in the present case being conspicuously absent, the contention of learned counsel for the respondents cannot be countenanced.

7. As a corollary, the present petition deserves to be and is hereby, allowed. The impugned complaint and all proceedings arising out thereof, are hereby set aside qua the present petitioner.

26.05.2026
ashok

(AMAN CHAUDHARY)
JUDGE

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