



CRM-M-31860-2026

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**(181) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-31860-2026

Date of Decision: 29.05.2026

ASHISH RADHEY SHAYM SHUKLA**... Petitioner****Versus****M/S AVON CONTAINERS PVT. LTD.****...Respondent****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Kamaljeet Saraf, Advocate
for the petitioner.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 528 of BNSS, 2023 is for quashing of the Criminal Complaint No.3820/2019 dated 28.05.2019 (Annexure P-1) titled as M/s Avon Containers Pvt. Ltd. Vs. M/s Shanti Refrigeration Industries Pvt. Ltd. & Ors registered under Section 138 of the NI Act.

2. The learned counsel for the petitioner contends that out of the 03 cheques in question, two have been signed by one Bindu Tripathi who having resigned from the Company has not been made an accused. The petitioner is a signatory to only one cheque which signatures have been forged. There is no legally enforceable debt. The complainant has admitted that he had never dealt with accused No.3 for any purposes whatsoever. He, therefore, prays that the present complaint dated 28.05.2019 (Annexure P-1) be quashed.

3. I have heard the learned counsel for the petitioner.

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4. As per the pleaded case of the petitioner, Mrs. Bindu Tripathi is a signatory to two of the cheques but has resigned prior to the dishonoring of the said cheques. Therefore, she was not nominated as an accused. The petitioner is a signatory to one of the cheques though, it is his case that the said cheque has been misused and there is no legally enforceable debt. On a query being put, the counsel has admitted that the case is now posted for defence evidence.

5. A perusal of the complaint itself would reveal that the role of the petitioner (accused No.2 in the complaint) has been enumerated in para 3. The said paragraph is reproduced hereinbelow:-

“3. That the accused no.1 is a Pvt. Ltd. Company, which is running by accused no.2 & addressee no.3 who are the Director & authorized signatory on behalf of accused No.1, that the accused are in the business of supply of sheet metals components & parts, electrical goods equipment, etc. the name & style of Shanti Refrigeration Industries Pvt. Ltd. That the accused no.2 & 3 are the director & authorized signatory for accused no.1, that accused no.2 & 3 are fully aware and responsible for day to day affairs of their Business. That accused no.2 & 3 are responsible for taking decision on behalf of accused no.1. That the copy of documents of the registration of the accused company i.e. company master data & details of authorized signatory are ANNEXED HERE AS ANNEXURE C.”

6. Apparently, the grounds sought to be agitated by the petitioner would amount to adjudicating upon disputed questions of fact as to whether the cheque has been misused or whether or not there is a legally enforceable debt. Merely because the signatory of the two cheques has not been made an

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accused on account of her having resigned prior to the cheques being dishonoured does not in any way exculpate the petitioner in view of the fact that he is a Director and Signatory of one of the cheques and his role has been clearly enumerated in the complaint. Further, the case is now posted for recording of defence evidence and the trial is at the fag-end.

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

(JASJIT SINGH BEDI)
JUDGE

29.05.2026

JITESH

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