



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

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CRM-M-58790-2022 (O&M)
Date of decision: 19.02.2026

Jatinder Mittal

....Petitioner

Versus

Naveen Kant

...Respondent

CRM-M-13694-2023 (O&M)

Jatinder Mittal and Another

....Petitioners

Versus

Naveen Kant

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aalok Jagga, Sr. Advocate with
Mr. Karan Inder Singh, Advocate for the petitioners

Mr. Harshit Joon, Advocate for the respondent

AMAN CHAUDHARY, J. (ORAL)

1. These cases involve similar issues and therefore, are being disposed of together by this common order.
2. Prayer made in the present petitions is for quashing of complaint No.396/2019 & 392/2019 titled as Naveen Kant vs. Pankaj Garg and Another, summoning orders dated 23.09.2019 and all proceedings arising therefrom against the petitioners under Section 138 of NI Act.
3. Learned Senior counsel submits that admittedly the cheque in question dated 27.01.2019 & 27.02.2019, Annexure P-1, have been drawn by the petitioner as authorised signatory of M/s Jaycon Infrastructure Limited,



however, a perusal of the complaints, Annexure P-4 reveal that the said company has not been made as an accused and the same thus, cannot continue against them, till such time, the company is arraigned.

4. The issue is no longer *res integra*. The judgment in **Aneeta Hada vs. M/s Godfather Travels and Tours Pvt. Ltd.**, (2012) 5 SCC 661, governs this area of dispute wherein the issue that fell for consideration before Hon'ble the Supreme Court, was whether an authorized signatory of a company would be liable for prosecution under Section 138 without the company being arraigned as an accused. While observing that for maintaining prosecution under Section 141, arraigning of a company as an accused is imperative, only then can the other categories of offenders be brought in the dragnet on the touchstone of vicarious liability as the same has been stipulated in the provision itself, it was held thus:-

“58. Applying the doctrine of strict construction, we are of the considered opinion that commission of offence by the company is an express condition precedent to attract the vicarious liability of others. Thus, the words “as well as the company” appearing in the section make it absolutely unmistakably clear that when the company can be prosecuted, then only the persons mentioned in the other categories could be vicariously liable for the offence subject to the averments in the petition and proof thereof. One cannot be oblivious of the fact that the company is a juristic person and it has its own respectability. If a finding is recorded against it, it would create a concavity in its reputation. There can be situations when the corporate reputation is affected when a director is indicted.”

5. Notably, the petitioners were summoned to face the trial in the complaint without M/s Jaycon Infrastructure Limited being either named as an accused or summoned thereunder, a fact, that remained unrebutted at the hands of learned counsel for the respondent, who, despite best efforts, was unable to draw out any distinctive aspects in the aforementioned judgment or cite any



contrary law, in view of which, the present petitions are allowed.

6. As a consequence to the above, Complaint bearing NI Act Nos. 396/2019 & 392/2019 and summoning orders dated 23.09.2019 are quashed, qua petitioners.

7. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

19.02.2026

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No