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

131-1

**CRM-M-72806-2025 (O&M)
DATE OF DECISION: 22.04.2026**

M/S SHRI ENTERTAINMENTS PVT LTD AND ANOTHER

.....Petitioners

VERSUS

RAMAN KUMAR

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr. Tanmoy Gupta, Advocate, for the petitioners.

SUBHAS MEHLA, J (ORAL)

CRM-10099-2026

Heard. The application is allowed, as prayed for. The documents annexed with the application as Annexures P-5 to P-9 are taken on record, subject to all just exceptions.

Main case

1. The present petition has been filed for quashing of impugned complaint bearing NACT No.9237 of 2022 dated 08.09.2022 titled "Raman Kumar Vs. M/s Shri Entertainments Private Limited and Another" (Annexure P-1) filed under Section 138 of the Negotiable Instruments Act, 1881 (for short 'the NI Act') by the complainant/ respondent and



summoning order dated 31.10.2022 (Annexure P-2) as well as all consequential proceedings arising therefrom.

2. Learned counsel for the petitioners contended that respondent/complainant had extended a loan of Rs.1 Crore to the accused persons. As per loan agreement, an amount of Rs.1.22 Crores was agreed upon to be paid by the accused persons to the complainant in return. In this regard, five cheques of Rs.24.40 lakh each were issued by the accused persons to the complainant. It is further contended that the complainant presented one of the said cheques for encashment, but the same was returned with the remarks 'Funds Insufficient'. Thereafter legal demand notice dated 26.07.2022 was allegedly sent to the accused persons and subsequently, the present complaint was filed since no payment was made. After preliminary evidence of the complainant, petitioner No.2 was summoned as an accused vide order dated 31.10.2022.

3. It is further contended that the present complaint has been filed under Section 138 of the NI Act whereas the principal accused in the present complaint is a Company, which falls under the purview of Section 141 of the Act. It is also contended that even the requirement of Section 141 of the NI Act has not been adhered to by the complainant in the present complaint, as the complainant has not mentioned that as to how petitioner No.2 being in-charge was responsible for conducting day-to-day business affairs of the Company, especially when there were two Directors of the Company; no



demand notice was ever issued to petitioner No.2, being the Director of the Company.

4. On a query posed by this Court, learned counsel for the petitioners admitted that petitioner No.2, who is one of the Directors of the Company, is the signatory of the cheques in question. He further submitted that it has not been mentioned in the complaint that petitioner No.2 being In-charge is responsible for day-to-day business affairs of the Company. In order to support his contentions, learned counsel for the petitioners has placed reliance on the judgments of Hon'ble Supreme Court of India in the cases **National Small Industries Corp. Ltd Vs. Harmeet Singh Paintal, 2010(2) RCR (Criminal) 122** and **Hitesh Verma Vs. M.s Health Care at Home India Private Limited, 2025 SCC Online SC 528**.

5. Heard.

6. In the nature of order this Court proposes to pass, no notice is required to be issued to the respondent.

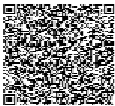
7. Taking into consideration the contentions raised by learned counsel for the petitioners, this Court is of the considered opinion that petitioner No.2 has admitted the fact that he is the signatory of the cheques in question and had issued the same in the capacity of Director of the Company; the ratio of law relied upon by learned counsel for the petitioners in the cases of National Small Industries Corp. and Hitesh Verma (supra) lies on different footing, as in those cases, the appellants were not the signatory of the cheques unlike the present case, where the petitioner was the Director



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& signatory to the cheques in question. As such, this Court finds no merit in the present petition and the same is hereby **dismissed**.

22.04.2026
Sonia Puri

(SUBHAS MEHLA)
JUDGE

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