



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

**287**

**CRM-M-1036-2017(O&M);  
CRM-M-6980-2019(O&M);  
CRM-M-7070-2019(O&M);  
CRM-M-7114-2019(O&M)  
Date of decision: 30.09.2025**

**1. CRM-M-1036-2017(O&M)**

Anil Gupta ...Petitioner

VERSUS

M/s Om Parkash & Sons and another ...Respondents

**2. CRM-M-6980-2019 (O&M)**

Anil Gupta ...Petitioner

VERSUS

M/s Pawan Kumar Satish Kumar and another ...Respondents

**3. CRM-M-7070-2019 (O&M)**

Anil Gupta ...Petitioner

VERSUS

M/s Pawan Kumar Satish Kumar and another ...Respondents

**4. CRM-M-7114-2019 (O&M)**

Anil Gupta ...Petitioner

VERSUS

M/s Madan Trading Company and another ...Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. Aashish Chopra, Senior Advocate with  
Mr. Gagandeep Singh, Advocate for the petitioner.  
Mr. Amit Jaiswal, Advocate, for the respondents.

Ms. Savi Nagpal, AAG, Punjab.

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**VINOD S. BHARDWAJ, J. (Oral)**

Four petitions involving identical dispute and questions of law

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are being decided by common order as they relate to different complaints filed by the different entities against the petitioner herein. While CRM-M-1036-2017 pertains to complaint bearing case No.1253 of 2016; CRM-M-6980-2019 pertains to complaint bearing case No.51 of 2017; CRM-M-7070-2019 pertains to complaint bearing case No.1336 of 2016 and CRM-M-7114-2019 pertains to complaint bearing case No. 1327 of 2016 instituted under Section 138 and 142 of the Negotiable Instruments Act, 1881 before the Illaqa Magistrate, Kurukshetra. Petitioner seeking quashing of these complaints and all consequential proceedings arising therefrom.

2. For the facility of the reference facts are being referred to from CRM-M-1036-2017 titled as *“Anil Gupta Vs. M/s Om Parkash & Sons and another”*.

3. Learned counsel for the petitioner(s) contends that the complaint in question had been instituted against M/s Amira Pure Foods Pvt. Ltd. (the Company) as well as seven other persons. The respondent No.2-complainant is the sole proprietor of M/s Om Prakash and Sons and is involved in the business of commission agency and dealing in sale and purchase of various grain and other items. Alleging that accused No.2 to 8 (including the petitioner herein) were the Directors and liable for all acts and liabilities, being incharge and responsible for conduct of the business of the Company, the complaints were submitted wherein all persons including the petitioner was summoned.

4. The petitioner(s) approached this Court pointing out that the cheque(s) in question were issued on 14.06.2016 and 15.06.2016 whereas

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the petitioner had already resigned from the Company w.e.f. 21.01.2016. The statutory Form DIR-11 had been appended along with the present petition. During the course of hearing, he has also placed on record Form DIR-12 showing acceptance of his resignation as Director, by the Board, w.e.f. 21.01.2016. The same is taken on record as 'Mark A' (marked with green pen). He contends that the same controversy was also examined by this Court in another quashing petition bearing CRM-M- 34710-2019 which was decided vide judgment dated 03.05.2024 in the matter of *Anil Gupta Vs. Pawan Kumar*. A specific finding was recorded by this Court that the petitioner ceased to be a Director of the Company w.e.f. 21.01.2016 and hence, he was not Incharge of the affairs of the company or responsible for ensuring that the liabilities of the company are met. He submits that similar finding was also returned in favour of the petitioner in the matter of *Anil Gupta Vs. M/s Ram Ditta Mal Surinder Kumar and another* bearing CRM-M-14339-2019 decided vide judgment dated 08.07.2024.

5. Counsel for the respondent-complainant contends that resignation of the petitioner is a disputed question of fact as Form DIR-11 only reveals that he had resigned as a Director w.e.f. 21.01.2016, however, the same has not been verified from the Company. He further contends that the aforesaid disputed question can only be examined by the Trial Court.

6. Counsel for the respondents contends that the respondents were commission agents at Kurukshetra and were not well-equipped to know about the company affairs and the role and responsibility of different directors. The benefit of such ignorance should not be extended to the people

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who have violated the law.

7. I have heard learned counsel appearing on behalf of the respective parties and have gone through the documents appended along with the present petition.

8. As the question involved is purely legal, hence, the facts are not required to be gone into in detail. Undisputedly, the complainant had business transactions with the company and various cheques were issued by the Company towards discharge of its liability. The said cheques issued in June, 2016 were dishonoured. Thus, resulting in institution of the criminal complaint under Section 138/142 of the Negotiable Instruments Act, 1881.

9. The sole ground of challenge to the proceedings raised by the petitioner is that he ceased to be a Director with the Company w.e.f. 21.01.2016 and hence cannot be held vicariously liable for failure by the Company to ensure that a cheque(s) is honoured, on its presentation, by the Bank. Since only the Director Incahrge is responsible for management, supervision and affairs of the Company, hence, the persons not associated with the affairs of the Company, or who are not the Directors or signatories to the cheque, at the time when it was dishonoured, cannot be held liable for the offence.

10. Counsel for the petitioner has placed reliance on statutory Form DIR-11 and Form DIR-12 to buttress his arguments that the petitioner was not a Director of the Company w.e.f. 21.01.2016 while the cheques themselves were issued in June, 2016 i.e. after his resignation. Counsel for the complainant however contends that the said documents are to be proved

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as per law before the same can be accepted and that the petitioner should establish his defence before the Trial Court.

11. I find that the submission advanced by the respondent lacks merit. The statutory Form DIR-11 and DIR-12 are maintained by the ROC under the provisions of the Companies Act and its validity, admissibility and legality would be assumed in law unless the same is held to be a forged document. That not being the case, the date of resignation as recorded in the statutory form has to be accepted as correct. An individual would not be ordinarily compelled to undergo prosecution and prove an undisputed document before the Trial Court. A court of law is not a ground for pursuing vendetta. It remains a place that would not compel an individual to undergo harassment and punishment of a trial who is prima facie not guilty of any offence.

12. The submission that he shall suffer no prejudice in facing the proceedings and earning an acquittal is a farse as the process itself is a prejudice apart from the restrictions imposed on certain civil liberties as well as social stigma of facing criminal prosecution.

Hence, the submission by the counsel for the respondents that the said documents are required to be proved would not be accepted at this juncture since these are official documents, maintained statutorily and as per law.

13. While considering the submission of the respondents as regards the lack of awareness amongst the complainant, the statutory position is not dependent upon the level of awareness. Ignorance of law is not an excuse.

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Moreover, it is not the commission agents who filed the complaint by themselves, rather, the same was filed through lawyer who is a domain expert. Thus, the plea of the complainant cannot be accepted for the said reason as well. In any case, merely because the complainant was not aware of the respective role of Directors at the time of filing of the complaint or summoning, the said illegality or defect would not be validated or protected once the same is brought to the notice of the Court as well as the parties. The requirements, as prescribed under Section 138, have to be fulfilled.

14. Moreover, under identical circumstances, this Court has already accepted the pleading of the petitioner about he not being a Director of the Company w.e.f. 21.01.2016 and not being liable to be prosecuted for cheques issued after his resignation. There is nothing on record that would convince this Court to take a different view. No argument has been advanced on the basis whereof this finding may be held to be incorrect.

15. In view of the above and placing reliance on the judgment dated 03.05.2024 passed in CRM-M-34710-2019 in the matter of *Anil Gupta Vs. Pawan Kumar* as well as the judgment dated 08.07.2024 in the matter of *Anil Gupta Vs. M/s Ram Ditta Mal Surinder Kumar and another*, the present petitions are **allowed**.

16. The proceedings in Complaint Case No.1253 of 2016; Complaint Case No.51 of 2017; Complaint Case No.1336 of 2016; and Complaint Case No. 1327 of 2016 initiated against the petitioner alongwith all consequential proceedings arising therefrom are hereby **quashed**.

17. It is however made clear that the observations recorded above

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could not be construed as an expression of opinion on the merits of the case with respect to the other accused persons.

18. A photocopy of this order be placed on the files of the connected cases.

**30.09.2025**

**(VINOD S. BHARDWAJ)  
JUDGE**

*Sumit Gusain*

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