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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2344/2011

NEERA SINGH

..... Petitioner

Through: Mr. Mohit Chaudhary, Mr. Dheeraj
Gupta, Mr. A. Das and Ms. Rashmi
Bansal, Advocates

versus

STATE & ANR

..... Respondent

Through: Ms. Fizani Husain, APP for State
Mr. V.K. Sharma, Advocate for R-2

And

+ CRL.M.C. 2347/2011

NEERA SINGH

..... Petitioner

Through: Mr. Mohit Chaudhary, Mr. Dheeraj
Gupta, Mr. A. Das and Ms. Rashmi
Bansal, Advocates

versus

STATE & ANR

..... Respondent

Through: Ms. Fizani Husain, APP for State
Mr. V.K. Sharma, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

% **23.11.2011**

These two petitions under Section 482 Cr.P.C have been preferred by the petitioner for quashing of the complaint nos.1994/20-10 and 1995/2010 and the summoning order dated 18.5.2007 passed by learned MM titled as Excel Industries vs. M/s Highland House Private Limited.

Besides the company M/s Highland House Private Limited, the other accused persons including the petitioner herein were also made accused in the above complaints as directors of the aforesaid company. Mr. Jol Waldman, the then husband of the present petitioner being one of the directors of the

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company was also made an accused in the said complaints. M/s Highland House Private Limited had issued cheques dated 10.12.2006 for a sum of Rs.12048/- and Rs.13699/- in favour of complainant Excel Industries. The said cheques on presentation were dishonoured and the aforesaid complaints were filed by Excel Industries against M/s Highland House Private Limited and other directors including the petitioner herein and her then husband.

The case of the petitioner in brief is that she had resigned from the directorship of the company on 2.12.2005 and had submitted her resignation in Form-32 and on the date when these cheques were issued on 2.12.2005 by M/s Highland House Private Limited, she was not its director and so she was not liable and responsible for the acts of the said company. \

The petitioner has drawn my attention to the copies of the aforesaid two cheques and also Form-32. From this Form, it would be seen that the date of resignation of the petitioner from the directorship of the company i.e. M/s Highland House Private Limited was 2.2.2005. That being so apparently she was not the director of M/s Highland House Private Limited on the date when these cheques were issued. It is also to be noted that this Court in Crl. MC 2031 of 2008 vide its order dated 24.2.2011, relying upon the order passed in Crl.MC 958 of 2008 and Crl. MC 618/2008 discharged the accused/petitioner of the offence under Section 138 of NI Act on the similar and identical grounds.

Having regard to the above facts and circumstances since the petitioner was neither the director nor anyway associated with M/s Highland House Private Limited on the date when the cheques in question were issued, she could not held vicariously liable for the offences committed by the said company.

Consequently, both the petitions are allowed and complaint nos.1994/20-10 and 1995/2010 and the summoning order dated 18.5.2007 passed by learned MM titled as Excel Industries vs. M/s Highland House Private Limited qua the present petitioner Ms. Neera Singh are hereby

quashed. However, it is made clear that the above complaints qua other accused persons shall continue.

Both the petitions accordingly disposed of.


M.L. MEHTA, J

NOVEMBER 23, 2011
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