

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

Date of Decision: February 03, 2015

+ (i) **CRL.M.C. 663/2014 & Crl.M.A 2217/2014**

MADHURIMA CHANDRA & ORSPetitioners
Through: Ms. Sunita Tiwari, Advocate

versus

M/S ANSUN ELECTRONICS PVT LTD & ANRRespondents
Through: Mr.Navin Sharma, Additional
Public Prosecutor for respondent-
State
Mr. Mehul Gupta, Advocate for
respondent No.1

+ (ii) **CRL.M.C. 673/2014 & Crl.M.A. 2237/2014**

MADHURIMA CHANDRA Petitioner
Through: Ms. Sunita Tiwari, Advocate

versus

M/S ANSUN ELECTRONICS PVT LTD & ANRRespondents
Through: Mr.Navin Sharma, Additional
Public Prosecutor for respondent-
State
Mr. Mehul Gupta, Advocate for
respondent No.1

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In above-captioned two petitions, quashing of summoning order in

proceedings under Section 138 of *The Negotiable Instruments Act, 1881* is sought on merits.

Since the quashing of the impugned summoning order is sought on identical grounds, therefore, both these petitions were heard together and are being disposed of together by this common judgment.

At the hearing, learned counsel for petitioner had relied upon decisions in *Urmila Kumari v. Rukmani Devi & Ors.* 2013 II AD (CrL.) (DHC) 342, *Manish Bhaskar v. State & Anr.* 2009 [4] JCC [NI] 233, *Geeta Srivastava v. Bhanu Sharma* 2003 I AD (Cr.) DHC 526, *Devi v. Haridas* 2005 [1] JCC [NI] 23, *Srikant Somani & Ors. v. Sharad Gupta & Anr.* 2005 [2] JCC [NI] 138 & *Girish Saxena v. Praveen Kumar Jain & Ors.* 2007 [2] JCC [NI] 220 to submit that liability is only on the drawer, who had issued the cheque, and since petitioner had not issued the cheque, therefore, summoning of petitioner as an accused is abuse of process of the Court.

Learned counsel for respondent No.1 has placed on record copy of trial court's order of 14th July, 2011, Notice framed under Section 251 of Cr.P.C. and the statement of petitioner recorded under Section 313 of Cr.P.C. by trial court and had submitted that even the defence evidence has been closed and the matter is now coming up before trial court on 9th February, 2015.

Upon hearing and on perusal of the impugned order, the material on record and the decisions, I find that since the matter has now reached at the final stage before trial court, therefore, this Court is not inclined to exercise its inherent powers under Section 482 of Cr.P.C. as petitioner has an alternate and efficacious remedy to urge the pleas taken herein

before the trial court at the stage of final arguments.

In view of aforesaid, the above captioned two petitions and the applications are disposed of while not commenting upon merits, lest it may prejudice either side before trial court.

(SUNIL GAUR)
JUDGE

FEBRUARY 03, 2015

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