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

Date of Decision: 09th April, 2015

+ CRL.M.C. 1256/2015 & CrI.M.A.4596-97/2015

MOHAN LAL SACHDEVA Petitioner

Through: Mr. Deepak Kohli, Advocate

versus

JITENDER KUMAR Respondent

Through: Nemo

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(O R A L)

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Quashing of criminal complaint No.317/1/13 under Section 138 of *Negotiable Instruments Act, 1881* and the order of 16th April, 2013 vide which petitioner has been summoned as an accused and the order of 15th April, 2014 vide which Notice under Section 251 Cr.P.C. has been framed against petitioner is sought on the ground that petitioner had not signed the dishonoured cheque in question and no document was executed by petitioner and so his prosecution in the criminal complaint in question is totally unwarranted. To submit so, reliance was placed by petitioner's counsel upon decisions in *N.K.Wahi v. Shekhar Singh & Ors.* 2007 (1) JCC (NI) 112, *National Small Industries Corp. Ltd. v. Harmeet*

Singh Paintal & Anr. 2010 (1) JCC (NI) 86 and *Sudeep Jain v. M/s ECE Industries Ltd.* (2013) 201 DLT 461.

Upon hearing and on perusal of impugned orders, copy of complaint in question and the decisions cited, I find that there are specific averments in the complaint in question that petitioner is involved in day-to-day affairs of accused company and has considerable experience in handling accounts of loan transaction and most of the time petitioner and his co-accused used to inform the respondent-complainant about the ledger balance as well as how much money is required by them for a particular period. Upon considering the afore-referred decisions, this Court finds that necessary averments are there in the complaint to justify framing of Notice under Section 251 Cr.P.C. against petitioner. However, the merits of the contents of the complaint in question are not required to be commented upon at this stage as the complaint is not supposed to be an encyclopedia of the entire case put up by respondent-complainant. The details of the exact role played by petitioner in day-to-day affairs is an aspect, which can be brought out in the cross examination of the respondent-complainant. During the course of hearing, it was brought to notice of this Court that cross examination of complainant is to take place on 14th April, 2015. It is during the cross examination of respondent-complainant that such minute details can be brought on record. At this stage, it would be suffice to note that there are averments in the complaint regarding petitioner-accused being responsible for day-to-day affairs of the accused company.

In the considered opinion of this Court, no case of quashing of complaint in question and impugned orders is made out. The petition and

the application are disposed of with liberty to urge the pleas taken herein before the trial court at the appropriate stage.

(SUNIL GAUR)
Judge

APRIL 09, 2015

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