

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 141 of 2016**

Smt. Sadhna Nivsarkar aged about 41 years, W/o Shri Santosh Nivsarkar, R/o 738, Sindhiya Nagar, SAF Line, Near Kalibadi Temple, Durg, Tahsil and District Durg, (Chhattisgarh)

---- Appellant**Versus**

1. Registrar of Companies, Madhya Pradesh and Chhattisgarh, Gwalior (Madhya Pradesh)
2. Advise Solution Private Limited, Jagdish Ujala's House, Ujala Bhavan, Station Road, Santra Badi Durg, 491001 Chhattisgarh, India.
3. Senior Superintendent of Police, Durg, Tahsil and District Durg, Chhattisgarh.
4. Smt. Bhagyashri S. Modak.
5. Shri Shrikant D. Modak.
6. Shri Santanu S. Modak.
7. Ku. Dhanshri Modak.

Respondents No. 4 to 7 Directors M/s. Advice Solutions Private Limited, Jagdish Ujala's House, Ujala Bhavan, Station Road, Santa Badi, Durg, 491001 Chhattisgarh India.

Respondents No. 4 to 7 Resident of Shankar Sadan, 219, Vidyut Nagar, Behind Dwivedi Complex, Durg, Tahsil and District Durg, Chhattisgarh.

8. Shri Abhishek Sharma S/o Shri Sushil Kumar Sharma, Resident of EH 46, Scheme No. 54, Vijay Nagar, Indore, Madhya Pradesh.

---- Respondents

For Appellant : Shri V.G.Tamaskar, Advocate.
For Respondents No. 4 to 7 : Shri Prateek Sharma. Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Goutam Bhaduri, J.

CAV Judgment**Per Navin Sinha, Chief Justice****04/04/2016**

1. The present appeal arises from a common order dated 4.2.2016 disposing a batch of writ petitions including Writ Petition (Cr.) No. 3730 of 2011 from which

the present appeal arises.

2. The Appellant had assailed the institution of separate complaint cases against her under Section 138 of the Negotiable Instruments Act before the Judicial Magistrate First Class, Indore and the consequent summons issued for appearance. The grounds of challenge were common that she was not a Director in the Company and had nothing to do with the cheques issued and that enquiry ought to be ordered into the affairs of the Company.
3. Writ Petition (Cr.) No. 4744 of 2011 assailed the summons issued in Complaint Case No. 10672 of 2011 giving rise to the order dated 16.3.2016 in Writ Appeal No. 143 of 2016 preferred by the Appellant. In Writ Petition (Cr.) No. 3730 of 2011 giving rise to the present appeal, the challenge was to the institution of Complaint case No. 9198 of 2011 and the summons issued.
4. There is no occasion for us to pass any other order than that dated 16.3.2016 in Writ Appeal No. 143 of 2016 followed in Writ Appeal No. 144 of 2016 dated 29.3.2016.
5. It is ordered accordingly.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(Goutam Bhaduri)
JUDGE