

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 143 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. Advise Solution Private Limited, Jagdish Ujala's House, Ujala Bhavan, Station Road, Santra Badi Durg, 491001 Chhattisgarh, India.
2. Smt. Bhagyashri S. Modak.
3. Shri Shrikant D. Modak.
4. Shri Santanu S. Modak.
5. Ku. Dhanshri Modak.

Respondent No. 2 to 5 Directors M/s. Advice Solutions Private Limited, Jagdish Ujala's House, Ujala Bhavan, Station Road, Santa Badi, Durg, 491001 Chhattisgarh India.

Respondent No. 2 to 5 Resident of Shankar Sadan, 219, Vidyut Nagar, Behind Dwivedi Complex, Durg, Tahsil and District Durg, Chhattisgarh.

6. Smt. Rajshri Sharma W/o Shri Sachin Sharma, Resident of 7/2, South Tukoganj, Behind Hotel Belwas, Indore, Madhya Pradesh.

---- Respondents

For Appellant : Shri V.G.Tamaskar, Advocate.
For Respondents 2 to 5: Shri Prateek Sharma, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****16/03/2016**

1. The present appeal arises from order dated 4.2.2016 disposing Writ Petition (Cr) No. 4744 of 2011 declining to interfere with the summons issued to the Appellant in Criminal Case No. 9198 of 2011 by the Judicial Magistrate, First Class, Indore, Madhya Pradesh pursuant to a complaint filed under Section 138

of the Negotiable Instruments Act against Respondent No. 1, the Company in question and others including the Appellant stated to be Directors of the same.

2. Learned Counsel for the Appellant in the appeal confined his submission to the limited issue for a direction to the Registrar of Companies, Chhatisgarh/Madhya Pradesh for an investigation into the affairs of Respondent No. 1 contending that the Appellant was not a Director in the same. No other submission was made before us.

3. The Registrar of Companies was scored out as Respondent in the writ petition and has also not been impleaded in the memo of appeal.

4. But, the order under appeal disposed a batch of writ applications arising from the same cause of action. The Registrar of Companies was impleaded as a Respondent in some of them evident from the cause title of order under appeal. The Learned Single Judge in the penultimate paragraph has already observed that if the Appellant so desires, she may represent before the Registrar of Companies under Section 206(4) of the Companies Act, 2013. If such an application is preferred, the Registrar of Companies is required to proceed in accordance with law. In the circumstances, we are of the considered opinion that there is no need for reiteration of the direction in the appeal.

5. The appeal is disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE