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

+ **CRL.M.C. 3254/2017**

VINOD KUMAR KALA

..... Petitioner

Through: Mr. Kundan Kumar Mishra with Mr.
Atul Batra, Advocates

versus

FORCE TECH SECURITY (INDIA) PVT. LTD. Respondent

Through: Mr. Vikas Mehta, Advocate

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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02.02.2018

Petitioner has prayed for quashing of the Complaint Case No. 616286/2016 titled Force Tech Security India Pvt. Ltd. Vs De Core Science & Technologies India Pvt. Ltd., qua him pending in the Court of Ms. Swati Gupta, learned MM, South East District, Saket Courts, New Delhi.

The complaint case has been filed by the respondent no.2 against M/s. De Core Science & Technologies India Pvt. Ltd. wherein the petitioner has also been impleaded as accused no.6. He has been impleaded on the allegation that he being one of the Directors of the company, that is, accused no.1, was liable for prosecution under Sections 141 of the Negotiable Instruments Act, (The Act for short).

Learned counsel for the petitioner submits that petitioner was merely a nominee Director in the company, inasmuch as had resigned from the company (accused no.1) on 1st June, 2013, that is, much prior to the issuance of the cheque bearing no. 913006 dated 15th October, 2014 for ₹ 33,000/- by the company, in favour of the

respondent no.1. Copies of the Form-32 and DIR-12 of the Registrar of Companies have been filed to support this contention.

During the course of hearing, the learned counsel for the respondent no.1 has not disputed the Form No.32 and DIR-12, inasmuch as, stated that respondent no.1 has no objection in case a Complaint Case is quashed qua the petitioner since he was not the Director as on the date when offence under Section 138 of the Act was committed by the company.

For the foregoing reasons, the petition is allowed and Complaint Case no. 616286/2016 is quashed qua the petitioner (accused No.6).

The petition is disposed of, in the above terms.

A.K. PATHAK, J

FEBRUARY 02, 2018/P