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

\+ CRL.M.C. 246/2018

NEEMA JAIN ..... Petitioner

Through: Mr. Gautam Khazanchi and Mr. Akhilesh Kumar, Advs.

versus

ASHISH CHOPRA ..... Respondent

Through: Mr. Aakash Sehrawat, Adv.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

O R D E R

% 08.03.2019

By this petition, petitioner has prayed for quashing of Complaint Case No. 635620/16 titled Ashish Chopra Vs. M/s Ultra Home Construction Pvt. Ltd. & Ors. pending before Ms. Tanya Bamniyal, Ld. Metropolitan Magistrate (South East), Saket Court, New Delhi qua her.

It is contended that petitioner has been impleaded as accused no. 5 in the aforesaid complaint case. Complainant (respondent) has alleged in the complaint that petitioner (accused no.5) was Director of accused no.1, that is, M/s Ultra Home Construction Pvt. Ltd. It is contended that petitioner was not the Director of accused no.1. In fact, petitioner was appointed as Company Secretary of accused no.1 on 31.03.2015. She resigned from the post of Company Secretary of accused no.1-Company on 01.10.2015. It is

submitted that the cheque in question was issued on 17.07.2016 much after the date when petitioner had already resigned as Company Secretary. The said cheque was returned dishonoured on 19.07.2016. It is further contended that petitioner was otherwise not the Director of accused no.1. He has placed reliance on Form No. DIR-12, which has been placed on record, to support his contentions.

Learned counsel for the respondent has not disputed the above facts. He submits that respondent has no objection in case aforesaid complaint case qua the petitioner (accused no.5) is quashed.

As per the Form No. DIR-12, petitioner had joined the accused no.1-Company as Company Secretary on 31.03.2015 and resigned on 01.10.2015. Accordingly, aforesaid complaint case is quashed qua the petitioner (accused no.5) only.

Petition is disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

Dasti.

A.K. PATHAK, J.

MARCH 08, 2019
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