

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 1779 of 2013

Mutha Piyali Sekhar

....

Petitioner

Mr. L.K. Sahoo, Advocate

-versus-

Rajesh Kataria and Others

....

Opposite Parties

None

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
20.05.2022**

05. 1. The Petitioner is the wife of the Director of a company which has not been made an accused in the complaint case i.e. ICC Case No.266 of 2012 filed by Opposite Party No.2 in the Court of the S.D.J.M., Bhubaneswar under Section 138 of the Negotiable Instruments Act (NI Act) as explained by the Supreme Court in *Aneeta Hada v. M/s. Godfather Travels and Tours (2012) 5 SCC 661* without making the company a party, the Director thereof cannot be made a party in such a complaint.
2. On that short ground, vis-à-vis the present Petitioner, ICC Case No.266 of 2012 stands quashed. It is made clear that it will however proceed against the other accused persons in the complaint.
3. The petition is disposed of in the above terms.

4. An urgent certified copy of this order be issued as per rules.
5. The Superintendent of the concerned Branch is directed to immediately communicate this order to the concerned Subordinate Court.

(Dr. S. Muralidhar)
Chief Justice

S.K. Jena/Secy.

