



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Writ Petition No.225 of 2024**

*Heena w/o Prashant Lakhani*

vs.

*Nirmal Ujjwal Credit Co-operative Society Ltd., Nagpur*

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*Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.*  
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*Court's or Judge's Orders*

*Mr. D.V. Chauhan with Mr. A.V. Band, Advocates for the Petitioner.*

**CORAM : M.W. CHANDWANI, J.**

**DATE : 11<sup>th</sup> MARCH, 2024.**

Heard.

02] By the present writ petition, the petitioner seeks quashing Criminal Complaint bearing S.C.C. No.14173/2015, pending on the file of the learned Judicial Magistrate First Class, Nagpur.

03] The contention is that, the complaint has been filed under Section 138 of the Negotiable Instruments Act, 1881 against M/s. Aditi Express Cargo India Pvt. Ltd., a company, as well as against the petitioner and her husband in the capacity of Directors. It is the contention of the learned Counsel for the petitioner that the petitioner resigned the company way back in the year 2013 i.e. on 30/12/2013, whereas the alleged cheque came to be issued, as per the complaint itself, on 25/03/2015. The said resignation has been accepted by the Board of Directors of the company and Form DIR-12 was also duly filled. Therefore, the petitioner was not the Director as on the date of issuance of the cheque much less on the date of expiry of the statutory notice. To buttress his submission, he seeks to rely on the decision of the Supreme Court in the case of Harshendra Kumar D. vs. Rebatilate Koley and others – (2011) 3 SCC 351. It is also contended that the complaint is also not filed within the period of limitation.

- 04] Issue notice to the respondent, returnable within three weeks.
- 05] The trial Court shall not proceed further in the matter, till the next date of hearing.
- 06] Authenticated copy of this order be supplied to the learned Counsel appearing for the petitioner.

**JUDGE**

*\*sandesh*