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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 102/2023, CRL.M.A. 411/2023**

ATUL MAGANLAL HEMANI

..... Petitioner

Through: Mr. Sanjay Gupta, Mr. Shubhangam
Thakur, Mr. Uttam Singh and Mr.
Devi Das Verma, Advocates.

Versus

RELIGARE FINVEST LIMITED

..... Respondent

Through: Mr. Ravinder Agarwal and Mr.
Kushal Mittal, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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25.04.2024

1. By way of present petition, filed under Section 482 Cr.P.C., the petitioner seeks to assail the summoning order dated 01.06.2016 passed by Ld. M.M. in Complaint Case No. 4989168/16 initiated under Sections 138/141/142 of the Negotiable Instrument Act, 1881.
2. Learned counsel for the petitioner states that in the present case, the subject cheque was presented for encashment subsequent to the order dated 18.03.2015 passed by High Court of Judicature at Bombay in Company Petition No. 499/2014 whereby the accused company, of which petitioner is Director, was directed to wound up. Learned counsel has placed reliance on the order dated 15.02.2024 passed in CRL.M.C. 2922/2019 titled Avinash Chandrakant Pitale & Ors. v. CISCO System Capital (India) Pvt. Ltd., order dated 07.09.2018 passed in CRL.M.C. 2997/2017 titled Atul Hemani v. CISCO System Capital (India) Pvt. Ltd. and order dated 31.01.2020 passed



in CRL.M.C. 3246/2019 tilted Avinash Chandrakant Pitale & Ors. v. CISCO System Capital (India) Pvt. Ltd. to submit that the subject proceedings are not maintainable.

3. Learned counsel for the respondent fairly concedes to the above settled position.

4. In view of the aforesaid, proceedings in the subject complaint are quashed.

5. Petition alongwith miscellaneous application is disposed of in the above terms.

6. Copy of the order be communicated to the Trial Court.

MANOJ KUMAR OHRI, J

APRIL 25, 2024

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