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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1251/2023, CRL.M.A. 4770/2023**

SHRI P RAJASEKSHARAN

..... Petitioner

Through: Mr. Pratyush Parimal, Mr. Aman
Bhatnagar and Mr. Sumit R Sharma,
Advocates.

Versus

HETTICH INDIA PVT LTD

..... Respondent

Through: Mr. Mahesh Verma, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
16.05.2024

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1. By way of present petition filed under Article 227 of the Constitution of India read with Section 482 Cr.P.C., the petitioner seeks quashing of Complaint Case No. 930/2020 titled 'Hettich India Pvt. Ltd. vs M/s Victoria Agencies' pending before Ld. M.M. (NI Act), South East District, Saket Courts, New Delhi as well as the summoning order dated 24.01.2020.
2. Learned counsel for the petitioner submits that the underlying complaint has been preferred by the respondent under Section 138 read with Section 141 of the NI Act, wherein the petitioner has been impleaded as accused No.2 on the ground that the petitioner is the proprietor of *M/s Victoria Agencies*. He submits that the aforesaid assertion is false, as the petitioner has no concern with *M/s Victoria Agencies* and that its proprietor is actually the petitioner's son. In support of his contention, he has placed



reliance on a bank certificate dated 04.04.2022 issued by Karur Vysya Bank as per which, the account maintained by *M/s Victoria Agency* with them was closed on 28.02.2022. The certificate further states that as per the records, one *Mr. Parthi R* having PAN No. BGHPP3310A was the sole proprietor of *M/s Victoria Agencies*. The second document relied upon by learned counsel for the petitioner is a GST Registration Certificate as per which, the trade name of proprietorship firm is *M/s Victoria Agencies* and the legal name is Rajashekharan Parthi. The petitioner claims that he does not use the word 'Parthi' in his name. An additional affidavit, in this regard, has also been placed on record.

3. Learned counsel for respondent, on the other hand, has defended the impugned order by contending that the petitioner has rightly been summoned by the Trial Court. He has referred to the subject cheque, copy of which has been placed on record, to state that it was issued on his behalf and that it was signed by one *R. Parthi*. He submits that as to whether the petitioner is the proprietor or not, would have to be tested during the course of trial.

4. I have heard learned counsels for the parties and have also gone through the documents placed on record.

5. It is pertinent to note that petitioner has relied upon his Aadhar Card, wherein his name is mentioned as 'Rajasekharan' whereas in his PAN Card, his name is mentioned as 'A.S. Rajasekharan'. The petition is accompanied by an affidavit, wherein petitioner has sworn the affidavit with the identity of 'P. Rajshekharan'. Considering that multiple names/identities of the petitioner have come on record, this Court finds no ground to interfere with the impugned order. However, the petitioner shall be liberty to establish



before the Trial Court whether he is proprietor of M/s Victoria Agencies or not.

6. Petition is dismissed alongwith miscellaneous application.

MANOJ KUMAR OHRI, J

MAY 16, 2024

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