



\$~49

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1547/2023, CRL.M.A. 5876/2023**

ANTHONY PINTO & ANR.

.....Petitioners

Through: Mr. Daood Ahmad, Advocate.

versus

STATE OF DELHI & ANR.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP for State.

Mr. Nawal Kishore Jha, APP for State
Mr. Abhinanya Mahajan, Ms. Anubha Geol, and Mr. Mayank Joshi, Advocates for R- 2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

12.07.2024

1. By way of the present petition, the petitioners seek quashing of Complaint Case No.951/2018 tilted *Triniti Eyewear Impex v. Krama Lifestyle & Ors.* which is pending before the Trial Court along with the summoning order. Petitioners further seek setting aside of the order dated 06.07.2022 passed in Crl.Rev.P. 559/2022.
2. Briefly, the complaint case pertains to the proceedings initiated under Section 138 of the N.I. Act by the respondent No.2 in the context of cheque bearing No. 136974 for Rs.13 lacs drawn on Axis Bank Ltd., Shanti Park, Mira Road, Mumbai. The complaint is accompanied by the demand notice dated 17.12.2017 in which it was alleged that the present petitioners are partners/authorised signatories of the M/s Krama Lifestyle, a partnership firm. The legal notice remained unanswered. The petitioners, after being summoned, sent a reply to the legal notice thereby stating for the first time



that they have no concern with M/s Krama Lifestyle or the impugned cheque.

3. Learned counsel for the petitioners has contended that they were neither the partners nor the authorised signatories at the relevant time. In this regard, reference is made to the communication dated 29.08.2019 made by the Axis Bank. The impugned cheque when presented for encashment, came to be dishonoured vide a return memo dated 23.11.2017 with the remarks 'insufficient funds'.

4. Learned counsel for the respondent No.2/complainant stated that the complainant has alleged that the cheque has been signed by the present petitioners, who are partners or authorised signatories of M/s Krama Lifestyle.

5. The contentions raised by the parties involve disputed questions of facts, which would need to be established during the trial by adducing evidence by the respective parties. In support of their contention that they were not the partners at the relevant time, the petitioners have not placed any material on record which is of sterling quality or incontrovertible nature that would warrant interference with the proceedings before the trial court. The reliance on the letter issued by the Bank is misplaced as the said letter came to be issued two years after the dishonour of the subject cheque and it further does not mention that the petitioners were not the authorised signatories in the year 2017. Accordingly, I do not find any merits in the present petition; consequently, the same is dismissed alongwith pending application.

MANOJ KUMAR OHRI, J

JULY 12, 2024/ga