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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 1442/2024 & CRL.M.A. 5694/2024

SH.S. P. GAUTAM @ SUKRAM PAL GAUTAM

.....Petitioner

Through: Mr. Tarun Kashyap, Adv.

versus

SH. ANIL SAGAR

.....Respondent

Through: Mr. Sunil Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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13.09.2024

1. The learned counsel for the respondent, on instructions, does not dispute that the accused company was struck off from the record of Registrar of Companies with effect from 08.08.2018, and in such circumstances the subject cheques cannot be held to have been drawn on an account maintained by the company since no account admittedly existed.
2. The learned counsel for the respondent, however, submits that in such circumstances the act of the petitioner in handing over the cheques would amount to cheating. He seeks liberty to file an appropriate complaint in that regard.
3. In view of the above, the present petition is allowed and the complaint case bearing CC NI Act 1757/2022 titled '*Anil Sagar v. M/s. Venus Polymers Pvt. Ltd. and Ors.*' is quashed.
4. The respondent is, however, at liberty to take appropriate steps for filing a complaint.
5. It is made clear that this Court has not given any opinion on the merits of any such complaint that may be filed by the respondent and the authorities are at liberty to take steps in

accordance with law.



AMIT MAHAJAN, J

SEPTEMBER 13, 2024

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