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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1967/2024 & CRL. MA 7562/2024**
RSVP CLOTHING PRIVATE LIMITED & ANRPetitioners
Through: Mr. Vibhor Kush and Mr. Vedanta
Varma, Advocates.

versus

NEERAJ SHARMARespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
09.10.2024

1. By way of present petition, the petitioners seek quashing and setting aside of the Criminal Complaint (NI Act) No.45339/2019 titled Neeraj Sharma v. RSVP Clothing Private Limited initiated by the respondent pending before the Court of Judicial Magistrate First Class, Dwarka Courts, New Delhi along with the order on the point of cognizance dated 13.01.2020, the summoning order dated 13.01.2020 as well as subsequent orders dated 24.03.2023 and 03.07.2023 and all consequential proceedings arising therefrom.

2. The present petition is premised on the ground that the respondent was a former employee having been appointed as a shipping executive and worked till 2019. The petitioners claim that in the course of business the petitioner has handed over certain cheques to the respondent herein who has misused the same. The petitioners have even filed a complaint against the respondent for stealing the said cheques in which subsequently an FIR being



FIR No.0461/2019 under Sections 408/468/471 IPC has been registered at PS Fatehpur Beri, Delhi and even the charge-sheet has been filed.

3. During the course of submissions, learned counsel for the petitioners submits that the signatures on the cheques are not denied, however the debt as well as the particulars on the cheques are denied.

4. The issue whether the cheques were given during the course of business in discharge of any existing liability or stolen would require evidence and could be only tested in the trial and thus, the same cannot be gone into at the stage of under Section 482 Cr.P.C.

5. For the aforesaid reasons, this Court does not find any merit in the instant petition and the same is accordingly dismissed along with pending application with liberty to the petitioners to raise all contentions before the concerned court during trial.

MANOJ KUMAR OHRI, J

OCTOBER 9, 2024/*rd*