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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 6243/2023 and CRL.M.A. 23375/2023

DIMCY CHOPRA

.....Petitioner

Through: Mr.Divyank Dutt Dwivedi, Ms.Ekta
Choudhary and Ms.Aditi Sharma, Advocates

versus

AMIT AGGARWAL & ORS.

.....Respondents

Through: Mr.Pardeep Dahiya, Ms.Mahima,
Advocates for respondent No.1

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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23.07.2024

1. By way of present petition, the petitioner seeks quashing of the proceedings pending before the learned Metropolitan Magistrate, Rouse Avenue Courts, New Delhi vide Complaint Case Bearing No.3106 of 2019 initiated by respondent No.1 under Section 138 read with Section 141 of Negotiable Instrument Act, 1881 (hereafter, 'NI Act').
2. The petitioner while pressing the petition has premised his challenge on twofold contentions. Firstly, it is contended that the petitioner is not responsible for the day-to-day control of the affairs of the accused company and secondly, on the date of dishonor of the cheque, the petitioner was not the Director and had already resigned. In support, the petitioner relies on printout of Master Data of the Company downloaded from the website of the Ministry of Corporate Affairs (MCA), reflecting the petitioner's status in the accused company as a Director from 20.04.2018 to 11.12.2018.



3. The petition is opposed by learned counsel for respondent No.1, who contends that there are enough averments in the complaint against the present petitioner, who was the first point of contact of respondent No.1 with the accused company. He submits that it is on the petitioner's assurance that respondent No.1 had carried out his business with the accused company and it was the present petitioner, who continued to assure respondent No.1 of return of his due amounts. In this regard, reference is also made to certain emails placed on record.

4. A reading of the complaint and other materials placed on record would show that in his complaint filed under Section 138 read with Section 141 NI Act, respondent No.1 has claimed that on the assurance of the present petitioner, he made investment in the commodity trading through accused company. Respondent No.1 claimed to have invested a sum of Rs.10,00,000/-. The subject cheque for Rs.10,00,000/- was issued on behalf of accused company that was signed by the co-accused namely, *Mr. Amit Hemendra Jhaveri*/respondent No.3. Even after dishonour of the said cheque, the complainant claims to be in constant contact with the present petitioner, who had assured the payments of the sum dues under the cheque. The reliance on Form No.DIR-11 by the petitioner to contend that she had resigned from the post of Additional Director prior to the dishonour of the cheque is also found to be misplaced as the said communication was made on 06.12.2019 which is much after the filing of the complaint.

5. This Court is of the considered view that the criminal complaint carries enough material averments and in the facts of the present case, the factum of petitioner having resigned prior to the dishonour of the cheque would need to be tested in the trial. In view of the aforementioned, I find no



ground to entertain the present petition. Accordingly, the same is dismissed alongwith the pending application.

JULY 23, 2024
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MANOJ KUMAR OHRI, J