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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 4765/2022 & CRL.M.A. 19189/2022**

NIKITA GUPTA

.....Petitioner

Through: Mr. Bharat Bhushan, Advocate

versus

M/S HANUMAN AGRO INDUSTRIES PVT LTD & ANR. & ORS.

.....Respondents

Through: Mr. Arav Kapoor, Mr. Pradumn Singh, Ms. Radhika Gupta, and Ms. Harshita Gupta, Advocates.

Mr. Mohit Mathur, Senior Advocate with Mr. Ankur Khandelwal and Ms. Sanya Panjwani, Advocates for R-2. SI Sachin Panwar, PS Fatehpur Beri.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

16.07.2024

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1. The Petitioner has approached this Court challenging an Order dated 01.07.2017 and 04.05.2019 passed by learned Metropolitan Magistrate issuing summons to the Petitioner herein. The present dispute arises under the Negotiable Instruments Act.
2. A complaint has been filed by the Respondent No.1 against the Petitioner herein and one Gurinder Chugh regarding the dishonour of the cheques dated 10.02.2017, 17.02.2017 & 23.02.2017.
3. A perusal of the complaint indicates that the said cheques were issued towards the payment of 200 bags of EVA supplied by Respondent No.1.
4. It is stated by the learned Counsel for the Petitioner that the cheques



are dated 10.02.2017, 17.02.2017 & 23.02.2017 whereas the Petitioner had retired from the partnership firm on 31.01.2017.

5. Though the Petitioner has produced an undated letter which has been purportedly sent to the Registrar of Firms informing about her retirement from the partnership firm. The Petitioner has not shown that the said letter was in fact sent and it was received by the Registrar of Firms. Complaints can be quashed only if material which is unimpeachable in nature and sterling in quality is produced to show that complaint deserves to be quashed. Further, Section 32(3) of the Partnership Act postulates that notwithstanding the retirement of a partner from a partnership firm, the partner continue to be liable as partner to the third party for any act done by any of them until a public notice is given on retirement. No notice has been given by the Petitioner. Material on record indicates that there is a supplementary partnership deed which was notarized but not registered.

6. In this case, since no document has been produced to show that there was a public notice regarding the retirement of the Petitioner, the fact as to whether the letter was sent to Registrar of Firms, when it was sent, was it a registered document or not. In any event, all these facts will be decided in trial. This Court at this juncture does not find any infirmity with the order summoning the Petitioner more so because the Petitioner is the signatory of the cheque.

7. With these observations, the petition is dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 16, 2024

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