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

+ CRL.M.C. 5300/2024 CRL.M.A. 20269/2024 CRL.M.A. 20270/2024
SANDEEP SHARMA

.....Petitioner

Through: Mr. Anant Malik, Mr. S. Singh, and Ms.
A. Mishra. Advocates.

versus

ARPAN MAHAJAN

.....Respondent

Through:

+ CRL.M.C. 5301/2024 CRL.M.A. 20271/2024 CRL.M.A. 20285/2024
SANDEEP SHARMA

.....Petitioner

Through: Mr. Anant Malik, Mr. S. Singh, and Ms.
A. Mishra. Advocates.

versus

ARPAN MAHAJAN

.....Respondent

Through:

+ CRL.M.C. 5302/2024 CRL.M.A. 20272/2024 CRL.M.A. 20273/2024
SANDEEP SHARMA

.....Petitioner

Through: Mr. Anant Malik, Mr. S. Singh, and Ms.
A. Mishra. Advocates.

versus

ARPAN MAHAJAN

.....Respondent

Through:

+ CRL.M.C. 5303/2024 CRL.M.A. 20274/2024 CRL.M.A. 20275/2024
SANDEEP SHARMA



.....Petitioner
Through: Mr. Anant Malik, Mr. S. Singh, and Ms.
A. Mishra. Advocates.

versus

ARPAN MAHAJAN

.....Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
% **12.07.2024**

1. These petitions have been filed under Section 528 of the BNSS seeking quashing of impugned order 05th March, 2024 passed in complaints filed under Sections 138 of the Negotiable Instruments Act against the petitioners.
2. By the impugned order, petitioner had been declared a proclaimed person since he had avoided appearance in service of process.
3. Counsel for petitioner states that the issue arose regarding cheques totalling Rs. 96 lacs issued by the company VAS Data Services Pvt. Ltd. to the complainant on the basis of a transaction of finished goods.
4. Petitioner was a Director in the said company. In 2016, petitioner resigned from his duties as Director.
5. Said company had agreed to settle the pending cases in February, 2018 itself through the facilitation of the Delhi Mediation Centre, by paying Rs. 96,50,000/- against the entire claim.
6. Subsequently, VAS Data was declared insolvent by order of the National Company Law Tribunal dated 9th April, 2019, and is currently undergoing



Corporate Insolvency Resolution Process.

7. An application was filed seeking compounding of two complaint cases being CC No. 1719/ 2017 and CC No. 1720 /2017 on 19th November, 2019.

8. In view of the orders, the petitioner paid a sum of Rs. 29 lakhs in part satisfaction of the said amounts.

9. However, in June 2023, Trial Court issue NBW against the petitioner.

10. Counsel for petitioner states that summons was not served considering that they were living at E-184 DLF Crest, Sectore-54, Gurugram.

11. He points out to the impugned order where the first address is given by petitioner, but is wrongly documented and probably for that reason, summons could not be served.

12. The other addresses which are given are either previous addresses of the petitioner or of the said company.

13. Subsequently, an order dated 04th July, 2023, was passed issuing process under Section 82 Cr.P.C. and the matter stands renotified for 26th September, 2023.

14. An application was filed for recall of order dated 04th July, 2023, which was kept in abeyance, and not decided subsequently.

15. Be that as it may, in the facts and circumstances, counsel for petitioner undertakes that they will take steps to revive the Section 138 proceedings in which they will appear, as and when summoned by the Court, and will provide their current address to the Ld. MM.

16. On this basis, and in order to ensure that the proceedings under Section 138 proceed unabated, the impugned order is set aside.

17. The steps for revival on the 138 proceedings, along with the copy of the order, shall be made within two weeks.



18. Petitions are disposed of.
19. Counsel for petitioner also relied upon *inter alia* decision in ***Dinesh Kumar Trivedi v. State of NCT of Delhi & Anr.***, order passed by this Court on 02nd February, 2023 in ***CRL.M.C. 696/2023*** and connected matters.
20. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 12, 2024/RK/sc

[Click here to check corrigendum, if any](#)