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

+ CRL.M.C. 7455/2023

GIRVANI SHETTYPetitioner

Through: Mr.Rupal Luthra, Advocate

versus

K K CAPITAL SERVICES LTD & ORS.Respondents

Through:

+ CRL.M.C. 7456/2023

GIRVANI SHETTYPetitioner

Through: Mr.Rupal Luthra, Advocate

versus

K K CAPITAL SERVICES LTD & ORS.Respondents

Through:

+ CRL.M.C. 8774/2023, CRL.M.A. 32746/2023 and

CRL.M.A. 32747/2023

GIRVANI SHETTYPetitioner

Through: Mr.Rupal Luthra, Advocate

versus

KK CAPITAL SERVICES LTD & ORS.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

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ORDER

04.09.2024



1. These petitions have been pending for a considerable period. On earlier occasion, the petitioner had sought time to cite the relevant case law(s). Even today, learned counsel for the petitioner has not cited any case law(s). The only submission made by the learned counsel for the petitioner is that the petitioner was a non-executive director and that the complaint is bereft of any allegations against him.

2. The present petitions arise in the context of the proceedings initiated under Sections 138/141 NI Act against the petitioner with respect to five different cheques which are the subject matter of three complaint cases. Considering that common submissions have been addressed in all the three petitions, the same are taken up for consideration together.

3. Indisputably, all the subject cheques are of the same amount, i.e., Rs. 4,50,000/-. Though the petitioner claims that he was a non-executive director and had eventually resigned from the Board of Directors, the petition is neither accompanied by any Master Data nor any other document of inconvertible in nature. Even the resignation letter placed on record is dated 23.10.2020 i.e., much after the date of dishonor of the said cheques as well as the date of filing of the respective complaints.

It has also been submitted that the petitioner is not a signatory of the aforesaid cheques.

4. A perusal of the complaint would show that necessary averments have been made to the extent that the petitioner was one of the directors of the respondent No.2 company, and that the petitioner was engaged in the day-to-day affairs of the company. [Ref: S.P. Mani and Mohan Dairy v. Dr. Snehalatha Elangovan, reported as **(2023) 10 SCC 685**].



5. Considering the submissions made on behalf of the petitioner are not supported by any documentary evidence, I find no ground to entertain the present petitions. Accordingly, the same are dismissed alongwith the pending applications.

MANOJ KUMAR OHRI, J

SEPTEMBER 4, 2024
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