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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 57/2022 & CRL.M.A. 233/2022**
RUCHIKA SHARMA & ANR.

..... Petitioners

Through: Mr.Sparsh Jhamb, Adv.

versus

INFOSOFT DIGITAL DESIGN AND SERVICES PVT. LTD
& ORS.

..... Respondents

Through: Mr.Amit Joshi, Ms.Prabhjot
Kaur, Ms.Vineeta Sharma &
Ms.Rachna Sharma, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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14.05.2024

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of the Criminal Complaint, being CC No. 8861/2019, titled ***Infosoft Digital Design and Services Pvt Ltd v. Tech Connect Services Pvt. Ltd & ors.*** and order dated 27.08.2019 passed by the learned Metropolitan Magistrate, NI Act-03, Central District, Delhi thereon, issuing summons *inter alia* to the petitioners to appear as an accused in the said Complaint Case.
2. The petitioners have been made accused in the above-mentioned complaint filed by the respondent under Section 138 of the Negotiable Instruments Act, 1881 on the plea that they are the Directors of the accused no.1 company.
3. The present petition has been premised on the ground that the



petitioners had resigned as Directors of the said company on 12.06.2012.

4. However, it is noticed that the petitioners have not filed on record the Master Data of the company. It is merely asserted that Form-32 had been prepared and was submitted with the Registrar Of Companies (in short, 'ROC'). The petitioners have filed an additional affidavit contending that they have been informed by the Company Secretary that Form-32 was submitted with the Ministry of Corporate Affairs vide receipt no. SRN B41984741. However, this remains only an assertion of the petitioners.

5. The learned counsel for respondent no.1 submits that even as of today, the petitioners are shown to be the Directors of the accused no.1 company. He submits that this is why Master Data of the company has not been filed before this Court by the petitioners.

6. In my view, in the absence of the Master Data of the company, and only on the basis of the statement of the petitioners, the complaint cannot be quashed. The Supreme Court has repeatedly cautioned that the power under Section 482 of the Cr.P.C. to quash a complaint should be exercised very sparingly and only in the rare of rare cases *inter alia* where the accused is able to produce document of unimpeachable quality to show that he was not a Director of the Company at any of the stages when the offence under Section 138 of the NI Act is alleged to have been committed. In the present case, however, the petitioners, inspite of opportunity granted, have till date not been able to produce any such document. Whether Form 32 was in fact filed with the ROC, having been disputed by the respondent,



would need to be proved by the petitioners by leading evidence before the learned Trial Court. This Court cannot enter into and adjudicate on this disputed question of evidence, at this stage.

7. The petition and the pending application are accordingly dismissed.

NAVIN CHAWLA, J

MAY 14, 2024/rv/am

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