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

+ **CRL.M.C. 6465/2022 & CRL.M.A. 25228/2022**

MS. RUCHI JASORIA

.....Petitioner

Through: Mr. Dhiraj Kumar and Mr. Ripunj
Tiwari, Advocates.

versus

M/S. RAJDHANI AIR SERVICES PVT. LTD. & ORS.

.....Respondents

Through: Mr. Vir Chand Yadav, Advocate.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

21.08.2024

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1. The Petitioner has approached this Court challenging the summoning Order dated 09.08.2019 passed by the learned Metropolitan Magistrate in CC No. 6136/2019.
2. The facts in brief are that the Petitioner is a sole proprietor of a firm called M/s YK Logistics. It is stated that M/s YK International which is another proprietorship firm, of which the proprietor is Rahal Jasoria, issued the cheque. It is stated that the cheque was issued for the liabilities of YK Logistics of which the Petitioner is the proprietor. The cheque has been dishonoured.
3. Complaint under Section 138 of the NI Act has been filed. The Petitioner has been impleaded as an accused.
4. The short contention of the learned Counsel for the Petitioner that cheque has been issued by Rahal Jasoria as proprietor of YK International.



Even though the cheque has been issued on behalf of the YK Logistics and since the Petitioner herein has not issued the cheque, the Petitioner cannot be made liable for the cheque which has been dishonoured. Any dues against YK Logistics can be recovered only by filing a civil suit and a complaint under Section 138 N.I. Act cannot be filed against the Petitioner who is not the signatory of the cheque or the proprietorship of the Petitioner as the cheque has not been signed on behalf of the proprietorship concern of the Petitioner.

5. On this short ground, the complaint against the Petitioner Ruchi Jasoria cannot be proceeded. The summons to Ruchi Jasoria stands quashed.
6. It is made clear that this Court has not made any observation on the merits of the case for which the proceedings are going on in the concerned court against other accused.
7. The petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 21, 2024
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