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

+ CRL.M.C. 6921/2022 & CRL.M.A. 26876/2022

BALAJI ASHRUBA GOREPetitioner

Through: Mr. Ashutosh Kaushik,
Advocate.

versus

STATE OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Naresh Kumar
Chahar, APP for the State.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **13.12.2024**

1. This petition is filed by the petitioner seeking quashing of the proceedings in Complaint Case No. 964/2020 filed under Section 138 of the Negotiable Instruments Act, 1881.
2. The complaint was filed by the complainant pursuant to the dishonour of the cheque dated 05.12.2019, issued by the accused company namely M/s. Koncentric Forge Private Limited. It is alleged that the petitioner was the director of the company at the time of commission of offence and was also managing the day-to-day business of the company.
3. The learned counsel for the petitioner submits that the petitioner was appointed as a Professional Additional Director/Non-Executive Director on 22.10.2018 and had resigned on 21.09.2019. He submits that no liability can be fastened upon the petitioner for the dishonour of the cheque. He refers to Form No. DIR-12 indicating that the petitioner had resigned on 21.09.2019.
4. Despite service of notice, none appears on behalf of



Respondents No.2 to 4. The petitioner has also filed an affidavit of service thereby deposing that the respondents were also served through the learned counsel, who represents them before the learned Trial Court.

5. The fact that petitioner had resigned prior to the issuance of the subject cheque remains undisputed. Even otherwise, it is supported by Form No. DIR-12. Petitioner thus cannot be prosecuted for an offence which was committed after his resignation from the accused company.

6. The present petition is therefore allowed and the petitioner is discharged in the Complaint Case No. 964/2020.

7. The petition stands disposed of along with pending application(s).

AMIT MAHAJAN, J

DECEMBER 13, 2024

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