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

+ **CRL.M.C. 6932/2022 & CRL.M.A. 26838/2022**

PRAVIN SHIVJIYAVAN CHAUHANPetitioner
Through: Mr. Ashutosh Kaushik,
Adv.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr.Naresh Kumar Chahar,
APP for the State

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN
ORDER
13.12.2024

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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 ('NI Act').
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.
4. He submits that no liability can be fastened upon the petitioner for the dishonour of the cheque. He refers to Form No. DIR-11, Master Data of the company as well as the Board Resolution indicating that the term of the petitioner as Director in



the accused company ceased with effect from 30.09.2019.

5. Despite service of notice, none appears on behalf of Respondents Nos.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.

6. The documents annexed with the petition indicate that the term of the petitioner as Director in the accused company ceased with effect from 30.09.2019, that is prior to the issuance of the subject cheque. The said fact remains undisputed.

7. Petitioner, therefore, was not the person responsible for the conduct of the business of the accused company and cannot be held vicariously liable under Section 141 of the NI Act. Petitioner is also not signatory of the subject cheque and therefore cannot be prosecuted for the offence which was committed after he ceases to be the Director of the accused company.

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

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

AMIT MAHAJAN, J

DECEMBER 13, 2024

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