



\$~51 to 53

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

+ CRL.M.C. 6089/2024 & CRL.M.A. 23328/2024

+ CRL.M.C. 6103/2024 & CRL.M.A. 23361/2024

+ CRL.M.C. 6105/2024 & CRL.M.A. 23366/2024

Present: Mr. Vishal Gohri, Adv. for petitioner in Item nos. 52 to 53

Mr. Utkarsh, APP for the State in Item Nos. 51 to 53

Mr. Arvind Jadon, Adv. for R-2 (through VC)

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

25.11.2024

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1. The present petition is filed seeking quashing of the proceedings under Section 138 of the Negotiable Instruments Act, 1881 ('**NI Act**') on the ground that no vicarious liability could be fastened on the petitioners as they were the Independent Non-Executive Directors of the accused company when the subject cheque was issued.

2. Respondent No. 2 does not dispute that the petitioner is the Independent Non-Executive Director in the accused company.

3. The learned counsel for Respondent No. 2 states that he has no objection if the petitioner's name is dropped from the proceedings pending before the learned Trial Court under Section 138 of the Negotiable Instruments Act, 1881.

4. The Hon'ble Apex Court in the case of *Pooja Ravinder Devidasani v. State of Maharashtra and Anr.* : (2014) 16 SCC 1, has categorically held that a Non-Executive Director is not involved in the day to day affairs of the company or in the running of its business. Such directors can in no way be held



responsible for the day to day running of the accused company.

5. In view of the above, Complaint Case Nos. 16622/2019, 16624/2019 and 16623/2019 and all consequential proceedings are quashed *qua* the petitioner.

6. It is made clear that this Court has not impeded the learned Trial Court from proceeding further against the other accused persons.

7. The present petitions are disposed of. Pending application(s) also stand disposed of.

8. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J

NOVEMBER 25, 2024
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