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

+ CRL.M.C. 6150/2024, CRL.M.A. 23490/2024 &
CRL.M.A. 23491/2024

MS PRIYANKA CHAUDHARYPetitioner

Through: Mr. Akhil Sharma & Ms.
Nikita Kumari, Advocates.

versus

ASHOK KANODIA & ORS.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **08.08.2024**

1. The present petition is filed essentially seeking quashing of Complaint, that is, CC No. 5269/2018, and the order dated 07.02.2019, whereby the summons were issued to the petitioner and the other accused persons. The complaint was filed by the Respondent No.1 under Section 138 of the Negotiable Instruments Act, 1881 ('**NI Act**').

2. The learned counsel for the petitioner submits that no averments have been made against the petitioner so as to make her vicariously liable for the cheque issued by Respondent No.2 company (hereafter '**the accused company**').

3. He submits that the petitioner was not Director of the accused company when the transaction between the parties took place.

4. Insofar as the averments in the complaint are concerned, the complaint specifically mentions that the petitioner is the Director of the accused company and she is actively involved in day-to-day affairs of the company.

5. The complaint further states that it was revealed from the



information gathered from the official website of Ministry of Corporate Affairs that at the time of filing of complaint and the dishonour of the cheque, Accused No.4 (that is, Respondent No.5) and Accused No. 5 (that is, the petitioner) were the only Directors of the accused company. Further, Respondent Nos. 3 and 4, who were Directors at the relevant time when the cheque was issued in consultation with the petitioner and the other accused person, had resigned.

6. The cause of action in regard to the complaint under Section 138 of the NI Act arises on dishonour of a cheque. It is not disputed that the petitioner was a Director of the accused company when the cheque was dishonoured and, in fact, there were only two directors at that time as stated in the complainant.

7. Statutory notice under Section 138 of NI Act is also stated to have been served on the petitioner. It is not the case of the petitioner that a reply was sent to the legal notice specifically denying the allegations.

8. At this stage, it cannot be said that the petitioner is not responsible for functioning of the accused company or that the complaint is bereft of the requisite ingredients so as to proceed against the petitioner.

9. In view of the aforesaid discussion, I find no merit in the present case.

10. The petition is, therefore, dismissed.

11. Needless to say, the petitioner is at liberty to take all defences before the learned Trial Court.

AMIT MAHAJAN, J

AUGUST 8, 2024/‘Aman’