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

+ **CRL.M.C. 7915/2024 CRL.M.A. 30198/2024**

AMIT MISHRA

.....Petitioner

Through: Mr. Akhil Sharma, Adv.

versus

ASHOK KANODIA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **07.10.2024**

CRL.M.A. 30199/2024 (Exemption)

1. Exemption allowed subject to jus exceptions.
2. Application stands disposed of, accordingly.

CRL.M.C. 7915/2024 alongwith CRL.M.A. 30198/2024 (Stay)

1. This petition has been filed seeking quashing of the complaint dated 16th February, 2018 in Complaint Case No.5269/2018 and the summoning order of 07th February, 2019 passed by the Trial Court.
2. Counsel for the petitioner claims that they were not signatories to the cheques. These cheques were signed by somebody on behalf of the company who was not authorised. However, as per the record, the petitioner has been arrayed as an accused No.4, as part of the complaint, and averments have been made in that regard *inter alia* in para 8 and 13 of the complaint. Besides, it is not disputed that the petitioner was a director at the time when the cheques were issued and at the time when the cheques



were presented, which were dishonoured subsequently.

3. In these circumstances, any plea, relating to the cheques which were issued by an unauthorised person on behalf the company, will be a question of fact, which will be considered in the trial proceedings; the petitioner is at liberty to seek remedies, in accordance with law.

4. Accordingly, the petition is, therefore, dismissed with the aforesaid observations.

5. Pending application, if any, are also disposed of as infructuous.

6. Order be uploaded on the website of this Court.

ANISH DAYAL, J

OCTOBER 7, 2024/MK