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

+ CRL.M.C. 8054/2024 & CRL. MAs 30782-84/2024

SHIVAM INTERNATIONALPetitioner

Through: Mr. Anjani Kumar Singh and Mr.
Saroj Kumar Singh, Advocates.

versus

INTEC CAPITAL LTD.Respondent

Through: Mr. Divyansh Arora, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **14.10.2024**

1. By way of present petition, the petitioner seeks quashing of the order dated 21.12.2015 passed by the learned Judicial Magistrate First Class (NI Act-01) South East District, Saket Courts, New Delhi in CC No.623510/2016 which was preferred by the respondent herein under Section 138 of the NI Act.
2. The petitioner has preferred the present petition on the premise that though the subject cheque was issued by the proprietorship firm, the assets were subsequently taken over by the company, *Shivam Continental Private Limited*, against which proceedings under CIRP were also subsequently initiated. In support of the aforesaid submissions, the petitioner has relied upon a 'No Due Certificate' dated 04.11.2016 issued by the respondent bank with respect to another loan account and in the note appended thereto, the loan pertaining to the subject complaint is also mentioned.
3. The petition is resisted by the learned counsel for the respondent, who submits that the underlying complaint was filed in relation to a Loan



Agreement bearing number LNJAL 01112-130001689. He submits that the subject cheque was issued by the proprietary concern and not by the aforementioned company. It is further submitted that the complaint case pertains to the year 2015 and till date, the accused has preferred to not appear before the Trial Court, resulting in the initiation of proceedings under Section 82 Cr.PC against him on three occasions, whereafter, the accused was represented only through his counsel.

4. The subject complaint pertains to a cheque issued by the proprietary concern and the subject loan agreement was also entered into by the said proprietary concern itself. The Trial is also pending against the said proprietary concern. The other contentions raised would require the petitioner to place the relevant facts and documents on record before the Trial Court, which will consider the same in accordance with law.

5. In view of the aforesaid, I find no ground to entertain the present petition and the same is accordingly dismissed along with pending applications.

MANOJ KUMAR OHRI, J

OCTOBER 14, 2024/rd