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

+ **CRL.M.C. 8784/2024 & CRL.M.A. 33606/2024,**
CRL.M.A. 33607/2024

SMT. REENA AGGARWALPetitioner
Through: Mr. Sudhir K. Saneja,
Adv. (through VC)

versus

M/S SHERAWALI DEVELOPERS LLP.Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN
ORDER
11.11.2024

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1. By the present petition, the petitioner seeks quashing of the proceedings in Complaint Case No. 463/2020 filed under Section 138 of the Negotiable Instruments Act, 1881 (**NI Act**).
2. The complaint was filed pursuant to dishonour of cheques issued by a partnership firm, namely, M/s Majesty Homes.
3. It is the case of the petitioner that the petitioner was only a sleeping partner and thus, cannot be held vicariously liable for the dishonour of cheques issued by the partnership firm.
4. The cheque was not signed by the petitioner and even the statutory notice was not issued to the petitioner.
5. The learned counsel for the petitioner contends that the complainant, pursuant to the issuance of statutory notice, had settled the dispute and also accepted the settlement amount from one of the partners.
6. No document has been filed which would evidence that the petitioner was a sleeping partner. Further undisputedly, the



statutory notice was issued to the partnership firm.

7. It is settled law that an act of one partner binds the other partners of a partnership firm unless the contrary is shown from the record.

8. In regard to the settlement, it is not denied by the petitioner that the cheques issued pursuant to the settlement have not been encashed by the complainant. The complaint is filed in regard to the cheques which were dishonoured on earlier occasion.

9. Thus, whether the petitioner could have been held vicariously liable for the act of the partnership and whether the petitioner was a sleeping partner would be tested during the course of trial.

10. This Court, while exercising power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*erstwhile* Section 482 of the Code of Criminal Procedure, 1973) cannot embark upon the enquiry or hold a mini trial to see whether the petitioner was a person responsible for the conduct of the partnership firm.

11. The present petition is, therefore, dismissed.

12. The petitioner is at liberty to take all arguments before the learned Trial Court at an appropriate stage.

AMIT MAHAJAN, J

NOVEMBER 11, 2024

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