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

+ CRL.M.C. 3987/2018, CRL.M.A. 29575/2018

NIRMAL SINGH LAMBAPetitioner

Through: Mr. Kapil Kher, advocate

versus

RAHUL GUPTARespondent

Through: None.

+ CRL.M.C. 4008/2018, CRL.M.A. 29647/2018

NIRMAL SINGH LAMBAPetitioner

Through: Mr. Kapil Kher, advocate

versus

ANITA GUPTARespondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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23.07.2024

The present petitions have been filed challenging the summoning orders dated 14.10.2017 and 22.07.2017, whereby the petitioner has been summoned for the offence under section 138 of Negotiable Instrument Act. Learned counsel for the petitioner submits that cheques issued in the present case are for the period ranging from February 2017 to June 2017. Learned counsel for the petitioner submits that as per the Registrar of Companies'



Record filed along with the petition, the petitioner had already resigned from the company Piyush Colonizers Ltd. with effect from 09.11.2016. Learned counsel submits that in view of the categorical master data record, the summoning order should not have been passed. Learned counsel submits that as per record, the petitioner was not associated with the company with effect from 09.11.2016. Learned counsel submits that the respondents despite having been served, have not filed any reply despite sufficient opportunities being given.

In view of the circumstances and the record placed on record by the petitioner, the petitioner was neither the Director of the company nor associated with the affairs of the companies at the time of cheques in question being issued. It is also to be noted that the respondents have not come forward.

Hence, the petition is allowed. The summoning order dated 14.10.2017 qua the petitioner is set aside. Both the petitions along with the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

JULY 23, 2024

rb/aj