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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 937/2020, CRL.M.A. 3807/2020 & CRL.M.A.13339/2020

SANJAY BHATI

.....Petitioner

Through: Mr. Arjun Singh Bhati, Mr. Sajal
Sinha, Mr. Amit Prabhat Nagar,
Advs.

versus

RUPA

.....Respondent

Through: Mr. Archit Upadhayay (DHCLSC),
Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

28.02.2025

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1. This is a petition seeking quashing of the proceedings arising out of Complaint Case No.428/2020 titled as “*Rupa v. Garvit Innovative Promoters Ltd. & Ors.*” pending before the learned MM, NI Act-01, West, Tis Hazari Courts, Delhi as well as setting aside of the order dated 17.01.2020 passed by the learned MM summoning the petitioner.
2. In the present case, the said complaint is filed against M/s Garvit Innovative Promoters Ltd. by the respondent under Section 138 of NI Act on the ground of dishonor of the cheque bearing No.727401 dated 23.09.2019 for an amount of Rs. 3,92,035/- drawn on Noble Co-operative Bank Ltd., Branch Raghunathpur, Noida (U.P.).
3. The role attributed to the petitioner is that the petitioner was the Managing Director of M/s Garvit Innovative Promoters Ltd.
4. Mr. Bhati, learned counsel appearing on behalf of the petitioner, has



drawn my attention to Form No. DIR-12 filed along with the present petition and also available on the website of the Ministry of Corporate Affairs, which shows the resignation of the petitioner as Managing Director of M/s Garvit Innovative Promoters Ltd. Hence, the said complaint as well as the impugned summoning order could not have been filed or passed against the petitioner in the present case.

5. Mr. Upadhayay, learned counsel appearing on behalf of the respondent, has verified Form No. DIR-12 as well as the fact that the same was filed with the Ministry of Corporate Affairs on 22.12.2018.
6. On perusal, the petitioner has resigned as Managing Director on 18.11.2018 and was not the Managing Director on the date of issue of the said cheque i.e. 23.09.2019, on the date of dishonour of the said cheque i.e. 16.12.2019 and on the date of the said complaint i.e. 13.01.2020.
7. Since the petitioner was neither the Managing Director nor in charge of day to day affairs of M/s Garvit Innovative Promoters Ltd. during the period when the said cheque was issued or dishonoured or when the said complaint was filed, the said complaint against the petitioner will not lie. Admittedly, the allegations against the petitioner stated in the said complaint are incorrect as is evident from the perusal of the official document i.e. Form No. DIR-12.
8. For the said reasons, the petition is allowed and the proceedings against the petitioner arising out of Complaint Case No.428/2020 pending before the learned MM, NI Act-01, West, Tis Hazari Courts, Delhi, stand quashed.
9. Consequently the petitioner stands discharged.



10. The application is allowed and is disposed of accordingly.

JASMEET SINGH, J

FEBRUARY 28, 2025/sp

Click here to check corrigendum, if any