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

+ CRL.M.C. 5139/2023, CRL.M.A. 15793/2024 & CRL.M.A.
18843/2024

NITIN GUPTA

.....Petitioner

Through: Mr. Puneet Bajaj, Adv. (through VC).
versus

STATE (N.C.T. DELHI) & ANR.

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with Ms. Mansi Sharma,
Advocate.
SI Jaipal Singh, P.S. Kotwali, Delhi.
Mr. Vijay Singh, Mr. Ashish Kumar &
Mr. Shubh Goyal, Advs. for R-2
(through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

08.04.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:

“a. Quash the complaint titled as Clide International Pvt. Ltd. vs Nitin Garg, Proprietor & Anr. CC no. 2303/2020 P.S. Kotwali Chandni Chowk under Section 138 Negotiable Instruments Act, 1881; and

b. Quash/ set aside the summoning order dated 18.02.2020, order dated 12.04.2022 rejecting the discharge application, order dated 20.09.2022 framing notice and all consequent and subsequent proceedings in complaint titled as Clide International Pvt. Ltd. vs Nitin Garg, Proprietor & Anr. CC no. 2303/2020 P.S.



Kotwali Chandni Chowk under Section 138 Negotiable Instruments Act, 1881; and

c. Till the disposal of the present petition stay the proceedings of Complaint no. 2303/2020 titled as Clide International Pvt. Ltd. vs Nitin Garg, Proprietor Police Station Kotwali, Chandni Chowk under Section 138 Negotiable Instruments Act, 1881; and/ or

d. Pass any other order(s) which this Hon'ble Court may I deem fit and proper under the facts and circumstances of this case.”

3. Learned counsel appearing on behalf of the petitioner submits that the cheque in question was issued by proprietorship firm in the name of M/s Balaji Pharma and the present petitioner was neither a proprietor of the said firm nor a signatory to the said cheque. It is further submitted that no document had been filed alongwith the complaint before the learned Trial Court to show that the present petitioner was anyway connected with the said proprietorship concern i.e., M/s Balaji Pharma. It is further submitted that the present petitioner has been shown by the name of ‘Mr. Nitin Garg, proprietor-M/s Balaji Pharma’ in the said complaint.

4. Learned counsel appearing on behalf of respondent no.2 fairly submits that there is no document on record to show that the present petitioner was the proprietor of M/s Balaji Pharma.

5. In view of the above, the present petition is allowed and disposed of accordingly.

6. The Complaint Case no. 2303/2020, the summoning order dated 18.02.2020 and subsequent orders emanating from said Complaint Case stand quashed *qua* the present petitioner.

7. The present petition is allowed and disposed of accordingly.

8. Pending applications, if any, also stand disposed of accordingly.



9. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

APRIL 8, 2025/nk/Pc

Click here to check corrigendum, if any