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

+ **CRL.M.C. 8656/2023&CRL.M.A. 32336/2023**

MS. DEVIKA PASSI

.....Petitioner

Through: Mr. Achin Mittal, Mr. Mohak Sharma
& Mr. Aditya Parmar, Advocates.

versus

SH. ANIL MALHOTRA & ORS.

.....Respondents

Through: Mr. Kamal Kant Jha and Mr. Avinash
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

15.04.2025

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

“a) Quash the summoning order dated 29.01.2022 and notice framed u/s 251 of Cr.P.C vide order dt. 10.07.2023 qua the Petitioner herein in Complaint Case bearing No. 6035/2021, titled as Mr. Anil Malhotra vs. M/s. Rama Brothers India Pvt. Ltd. & Ors. under Section 138 N.I. Act pending before the Ld. M.M (N.I. Act), Digital Court-01, New Delhi District, Patiala House Courts, Delhi in the interest of justice; and

b) Pass any other order/orders which this Hon 'ble Court may deem fit and proper in the facts & circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that the latter was inducted as a Director in the accused company namely, Rama Brothers India Private Limited, i.e., respondent no. 2 herein on 21.09.2021. It is pointed out that the four(4) subject cheques bearing Nos. 002942 dated 18.06.2021, 002943 dated 19.06.2021, 002944 dated 21.06.2021 and 002945



dated 22.06.2021 were issued prior to his assuming charge as Director in the accused company.

4. Learned counsel appearing on behalf of the complainant/respondent No. 1, i.e., Mr. Anil Malhotra, fairly submits that the petitioner was not the Director at the time of issuance of the subject cheques, and therefore, he has no objection if the present petition is allowed *qua* the present petitioner and the proceedings be continued with respect to the other accused persons as arrayed in the initial complaint.

5. In view of the above, the present petition is allowed. The complaint bearing CC No. 6035/2021 titled as “Mr. Anil Malhotra Vs. M/s. Rama Brothers India Pvt. Ltd. & Ors.” under Section 138 read with Section 141 of the NI Act pending before the learned Metropolitan Magistrate, New Delhi, District, Patiala House Courts, Delhi and all other consequential proceedings emanating therefrom are hereby set aside *qua* the present petitioner only.

6. The complaint shall proceed in accordance with law with respect to the other accused persons as arrayed in the aforesaid complaint case.

7. Learned Trial Court is requested to proceed with the trial as expeditiously as possible.

8. The petition is disposed of in the aforesaid terms along with all pending applications, in any.

9. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.

AMIT SHARMA, J

APRIL 15, 2025/kr

[Click here to check corrigendum, if any](#)