SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C528/2475/2026 Vineet Chandra --Applicant **Versus** Prayas Global --Respondent **Hon'ble Alok Mahra, J.** Mr. Maneesh Gumber and Mr. Narendra Bali, learned counsel for the applicant. 2. The present Criminal Miscellaneous Application under Section 528 of the B.N.S.S., has been filed seeking quashing of the impugned summoning/cognizance order dated 26.11.2025 passed by the learned Additional Chief Judicial Magistrate, Kashipur, District Udham Singh Nagar, in Criminal Complaint Case No.1751 of 2025, under Sections 138 read with 141 of the Negotiable Instruments Act, 1881 as well as the entire proceedings of the aforesaid complaint case. 3. Learned counsel for the applicant would submit that, as per the allegations made in the complaint, the cheques in question were issued towards discharge of a legally enforceable debt or liability and, upon their dishonour, a statutory demand notice was issued by the complainant; that, since the payment was not made within the prescribed period, the

			respondent-complainant instituted the aforesaid complaint under Section 138 of the N.I. Act, wherein the applicant was summoned vide the impugned order. He would further submit that the applicant is not a signatory to the disputed cheques and has no direct or operational involvement in the underlying transaction. Neither did the applicant sign, issue or deliver the cheques in question, nor did he authorise their issuance. 4. It is further contended that the complaint does not disclose the specific role or responsibility of the applicant in the conduct of the business of the company and, therefore, the applicant's prosecution is unsustainable in law. According to learned counsel, the summoning order has been passed mechanically, without proper application of judicial mind. 5. Learned counsel for the applicant would further submit that, in Pepsi Foods Ltd. and another v. Special Judicial Magistrate and others, (1998) 5 SCC 749, the Hon'ble Supreme Court has held that summoning an accused in a criminal case is a serious matter and requires due application of judicial mind. He would also place reliance upon S.M.S. Pharmaceuticals Ltd. v. Neeta Bhalla and another, (2005) 8 SCC 89, wherein the Hon'ble Supreme Court has held that, to attract vicarious liability under Section 141 of the N.I. Act, the complaint must contain the requisite averment that the person concerned was, at the relevant time, in charge of and responsible to the

			company for the conduct of its business; mere designation as a Director is not sufficient. 6. He would further rely upon State of Haryana and others v. Bhajan Lal and others, 1992 Supp (1) SCC 335, to contend that the inherent jurisdiction of this Court may be exercised to prevent abuse of the process of law and secure the ends of justice. Reliance has also been placed upon a judgment, wherein the Hon'ble Supreme Court reiterated the requirement of specific averments to establish the vicarious liability of persons sought to be prosecuted under Section 141 of the N.I. Act. 7. Heard learned counsel for the parties and perused the material available on record. 8. A perusal of the complaint and the impugned summoning order dated 26.11.2025 would reveal that the applicant has been arrayed as an accused in his capacity as a Director of the company. The complaint further discloses that the statutory demand notice was duly served upon the applicant, but the amount demanded therein was not paid within the prescribed period. It is also evident that the applicant has not disputed his status as a Director of the company. At this stage, it is relevant to note that, in HDFC Bank Limited v. State of Maharashtra and another, LiveLaw (SC) 624, the Hon'ble Supreme Court has held that, for the purpose of attracting liability under Section 141(1) of the N.I. Act, it is

			not necessary for the complainant to specify the precise administrative functions performed by each Director. A general averment that the Director was in charge of and responsible for the conduct of the business of the company would be sufficient at the stage of taking cognizance, and the burden of establishing otherwise would be a matter for consideration during trial. 9. In view of the aforesaid legal position, merely because the applicant is not a signatory to the cheques or his specific role has not been elaborately stated in the complaint, is no ground to quash the proceedings at this stage, particularly when the necessary averments under Section 141 of the N.I. Act are present. The judgments relied upon by learned counsel do not help the applicant in view of the subsequent clarification by the Hon'ble Supreme Court in HDFC Bank Limited (supra). Accordingly, no ground for interference with the impugned summoning order under Section 528 of the BNSS is made out. 10. Accordingly, the present C-528 application is dismissed. 11. No order as to costs. **(Alok Mahra, J.)** 04.11.2026 Mamta
