

35 CC NI ACT / 1650/2025
Tata Capital Ltd Vs. TOFIK KHAN

11.08.2026

Present: Sh. Pramod Bhardwaj, Ld. Counsel for the complainant.

Matter is listed for arguments on cognizance.

Ld. Counsel for the complainant has filed the original complaint alongwith documents today. The same has been confirmed by the Reader of this court. Be taken on record.

In light of the judgment tiled as 'Sanjabij Tari Vs Kishore S. Borkar & Anr.' Crl. Appeal no. 1755 of 2010 passed by the Hon'ble Supreme Court on 25/09/2025, the requirement of issuing notice u/s 223 of the BNSS and hearing the proposed accused on arguments on cognizance is dispensed with.

Complaint, affidavit of evidence and the documents on record have been perused.

The present complaint has been filed under section 25 of The Payment and Settlement Systems Act, 2007 read with Section 138 of Negotiable Instruments Act, 1881. Complaint, affidavit of evidence and other documents annexed with it perused. In view of the averments made in the complaint, this court has territorial jurisdiction to entertain the present complaint. In terms of inquiry conducted u/s 202 Cr. P.C, all the statutory requirements have been complied with. Prima facie, there is sufficient material on record to proceed further with the matter. Accordingly, this court takes cognizance of the said offence punishable under section 25 of The Payment and Settlement Systems Act, 2007.

Arguments on the point of summoning heard.

Following the law laid down in **A.C. Narayanan Vs. State of Maharashtra (2014) 11 SCC 790**, complaint, affidavit of evidence and other annexed documents considered. Accordingly, there is no need to examine the complainant for the purpose of issuance of process.

After perusal of the entire record, the court is of the considered opinion that there are sufficient grounds for proceeding against accused for the commission of offence under section 25 of The Payment and Settlement Systems Act, 2007.

Accordingly, let summons be issued to **accused** through speed post/approved courier on filing of PF, RC within 15 days from today. Service of E-summons be also affected

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through Email and Whatsapp provided the complainant files an affidavit to the effect that email ID and whatsapp number on which the said message(s) is /are sent is of the accused person and further subject to filing of the report of service. Proof of service/tracking report be filed on or before the next date of hearing. The process server is also directed that in the event of non-availability of the accused or house/office/premises is found to be locked or accused refuses to accept the service, the process be served through affixation.

Reader cum Ahlmad is directed to make an endorsement on the summons that if the accused makes an application for compounding of offence at the first or second hearing, the Court may pass appropriate orders at the earliest as per the judgment of the Hon'ble Supreme Court in **Meters and Instruments Pvt. Ltd. v. Kanchan Mehta (2018) 1 SCC 560** and if settlement is made at a subsequent state, the consequences as envisaged in **Damodar S. Prabhu vs Sayed Babalal (2010) 5 SCC 663** shall be enforced.

Summons be given dasti for service.

Put up for appearance of accused/ bail proceedings / further proceedings on **29/03/2027**.

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