

M/s. Polki.com (Prop. of Mrs. Ravinder Kaur) Vs. Tautikaa Beauty Care Private Limited & Ors.

CC NI Act 2004/2026

21.05.2026

Fresh complaint received by way of assignment through e-filing. Ahlmad is directed to check and register the same.

Present: Mr. Ronnie S. Brara, Ld. Counsel for the Complainant through VC.

File perused.

Legal demand notice has been sent to the MCA registered e-mail ID of the accused No. 1 company. Accused Nos. 2 & 3 find their mentioned in the list of directors at page 26 of the complaint. The Ld. Counsel for the Complainant submits that after the cause of action arose the accused No. 3 resign from the directorship of accused No. 1 company and the same is apparent from the MCA records at page 21 of the complaint. The legal demand notice has been replied to on behalf of all the three accused. He argues that since both the accused i.e. accused Nos. 2 & 3 were directors on the date on which the cause of action arose and the legal demand notice has been duly served on the accused No. 1 company, all three accused shall be summoned.

The Hon'ble Supreme Court of India in its recent judgment in *Sanjabij Tari Vs. Kishore S. Borcar and another (Crl. Appeal No. 1755 of 2010)* held that there is no need to issue

summons to accused at the pre cognizance stage in complaint cases u/s 138 NI Act. Accordingly, the requirement of service of notice on proposed accused at the pre cognizance stage is not needed anymore.

The present complaint has been filed u/s 138 NI Act. The complaint, documents and evidence by way of affidavit perused. I take cognizance of the said offence.

Arguments heard on summoning. Record perused.

On consideration of the complaint, annexed documents and verification affidavit of the complainant and in the light of the law lay down in **A.C. Narayan Vs. State of Maharashtra (2014) 11 SCC 790**, this court is of the opinion that the prima facie there are sufficient grounds for proceedings against **all the accused** for commission of offence u/s 138 NI Act.

The complainant has filed the complaint within limitation period. In terms of inquiry conducted u/s 202 Cr.P.C., all the statutory requirement have been complied with.

Accordingly, let **all the accused** be summoned on filing of PF/RC, speed post and through electronic mode/dasti as well for **12.08.2026**.

Complainant is directed to file **PF alongwith the copy of complaint** and take steps within 15 days.

As per the guideline laid down in the case titled **Damodar S. Prabhu Vs. Sayyed Baba Lal H.** reported in (2010) 5

SCC 663 and further modified in the judgment of *Sanjabij Tari Vs. Kishore S. Borcar and another (Crl. Appeal No. 1755 of 2010)*, Ahlmad is directed to make a mention in the summons issued that:

(a) If the accused pays the cheque amount before recording of his evidence (namely defence evidence), then the offence may be compounded without imposing any cost or penalty on the accused.

(b) If the accused makes the payment of the cheque amount post the recording of his evidence but prior to the pronouncement of judgment by Court, the offence may be compounded on payment of additional 5% of the cheque amount with the Legal Services Authority or such other Authority as the Court deems fit.

Put up for appearance of **all the accused** / furnishing of bail bonds / framing of notice on **12.08.2026**.

(TANMAY BATHAM)
JMFC (NI ACT)-03 (West)
THC, Delhi /21.05.2026