

**15 CC NI ACT / 14453/2026 Axis Finance Ltd Vs. Aswathy
Vijayan / ()**

03.08.2026

Present: Ms. Shubham Mahajan, Ld. counsel for the complainant
via VC.

Complaint and other documents annexed with it perused.
Heard. All the statutory requirements under PASA ACT are complied
with. The complaint is within the limitation.

On examination of documents filed along-with the
present complaint, the Court is satisfied that *prima-facie* offence
punishable under Section 25 of PASA ACT is made out against the
accused. Hence, I take cognizance of the offence punishable under
Section 25 of PASA ACT .

Arguments heard on point of summoning.

Pre-summoning Evidence by way of affidavit filed by
the AR for the complainant/CW-1. Taken on record. As per the
judgment of Hon'ble Supreme Court in ***A.C. Narayanan vs. State of
Maharashtra and Anr., (2014) 11 SCC 790***, the examination of the
complainant upon oath for issuance of process is a matter of discretion
of the Magistrate. In the considered opinion of this Court, there is no
need to examine the complaint for the purpose of issuance of process.
No other witness is sought to be examined on behalf of the
complainant at this stage. Accordingly, PSE stands closed.

Issue summons to the accused on filing of PF, RC and
through all possible physical modes. Steps be taken within two weeks.
Complainant is directed to supply the complete set of documents filed
in the court including the pre-summoning evidence affidavit of
complainant. Ahlmad is directed to issue the summons only after
ensuring that the same has been done.

Ahlmad is directed to make the following endorsement
on the summons in terms of the guidelines of Hon'ble Supreme Court

passed in the case of **Damodar S. Prabhu v. Sayed Babalal H. (2010 5 SCC 663)**:

(a) Accused can make an application for compounding of the offence at the first or second hearing of the case and if such an application is made, compounding may be allowed by the court without imposing any costs on the accused.

(b) If the accused does not make an application for compounding as aforesaid, then if an application for compounding is made before the court at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the e-mandate amount to be deposited as a condition for compounding.

In the event the house/office/premises is found to be locked/refusal to accept the service/any other contingency the process be served through affixation.

Re-list for appearance of the accused/framing of notice/bail and further proceedings on **18.11.2026**.

(AKSHAY SHARMA)
JMFC-08(NI ACT) SOUTH SAKET
COURTS NEW DELHI/03.08.2026