

12 CC NI ACT 7065/2023 M/S D.R INTERNATIONAL PVT. LTD. Vs.
SAMPARK INDUSTRIES LIMITED /0 (Connaught Place)

24.04.2026

Present: Ld. Counsel for the Complainant.
AR through VC.

1. Pre-summoning evidence led. Arguments on summoning heard.
2. Entire record including the complaint and the annexed documents perused thoroughly. It is alleged that the accused company had business dealings with the complainant. The accused company has issued the cheque in question **bearing no. 797254 dated 06.12.2022 of amount Rs. 4,00,000/-** to the complainant in discharge of its liability. On presentation, the same got dishonoured vide return memo dated **13.02.2023**, due to reason **payment stopped by drawer**. Thereafter, demand notice dated **06.03.2023** was sent to the accused by the complainant. Despite service/ deemed service of said notice, accused has failed to make the payment as per provisions of Negotiable Instruments Act. Hence, the present complaint has been filed against a total of **THREE** accused, as per the amended memo of parties.
3. The Hon'ble Supreme Court in the decision reported as ***A.C. Narayanan vs. State of Maharashtra (2014) 11 SCC 790*** has held as under,

“29. From a conjoint reading of Sections 138, 142 and 145 of the N.I. Act as well as Section 200 of the Code, it is clear that it is open to the Magistrate to issue process on the basis of the contents of the complaint, documents in support thereof and the affidavit submitted by the complainant in support of the complaint....

...33.4 In the light of Section 145 of the NI Act, it is open to the Magistrate to rely upon the verification in the form of affidavit filed by the complainant in support of the complaint under Section 138 of the NI Act and the Magistrate is neither mandatorily obliged to call upon the complainant to remain present before the Court, nor to examine the complainant or his witness upon oath for taking the decision whether or not to issue process on the complaint under Section 138 of the NI Act.”

4. Similar directions have been issued in *Indian Bank Association & Ors. vs. Union of India (2014) 5 SCC 590* and *Rajesh Agarwal vs. State (2010) 171 DLT 51*.
5. On consideration of the complaint, annexed documents and the verification affidavit of the complainant, this Court is of the opinion that *prima facie* there are sufficient grounds for proceeding against the accused mentioned below for the commission of offence under Section 138, Negotiable Instruments Act, 1881. There is no requirement for examination of the complainant or witnesses for purpose of issuance of process in view of the above-mentioned directions of the Hon'ble Apex Court and Hon'ble Delhi High Court. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act.
6. On consideration of the complaint, annexed documents, verification affidavit of the complainant and the specific averments made against the accused, this Court is of the opinion there are *prima facie* grounds for proceedings against **accused no. 1, 2 and 3 only** for the commission of offence under Section 138, Negotiable Instruments Act, 1881.

7. Accused no. 1 is the company and is *prima facie* responsible, being the drawer of cheque. Accused no. 2 and 3 **are the directors of the company and authorised signatories of the cheque in question** and are therefore *prima facie* liable. In terms of inquiry conducted under Section 202 CrPC, all the statutory requirements have been complied with. The complaint is filed within the period of limitation.
8. Let **accused no. 1, 2 and 3 as per the amended memo of parties** be summoned on filing of PF, RC/ Speed Post/ approved Courier service/ E-mail within **14 days** for **18.08.2026**.
9. Complainant is directed to place the tracking report of summons sent through speed post on record on the next date. 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 in terms of Section 65, CrPC.
10. As per the guidelines laid down in *Damodar S. Prabhu Vs. Sayed Babalal H*, AIR 2010 (SC) 1907, *Ahlmad* is directed to make a mention on the summons issued against the accused (by adding separate sheet, if required) that “accused can make an application for compounding of the offence at the first and 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.”

(Twinkle Chawla)
JMFC-04/PHC/ND/
24.04.2026