

43 CC NI ACT / 8012/2026 ARISTO SECURITIES PVT LTD Vs. STROM BIKES
PVT LTD /0 (Malviya Nagar)

21.04.2026

Fresh complaint case received by way of assignment through e-filing. Let it be checked and registered.

Present: Ms. Mamta Sarna (through VC) and Sh. Ankush Kumar, Ld.

Counsel for the complainant.

In view of the judgment ***Sanjabij Tari v. Kishore S. Borcar & Anr. (Cr. Appeal No. 1755 of 2010)*** Hon'ble Supreme Court held that issuance of pre-cognizance summons to the accused is not required in cases under Section 138 of the Negotiable Instruments Act."

Submissions on behalf of complainant heard. Record perused.

The present complaint is filed for the offence punishable u/s 138 Negotiable Instruments Act, 1881. Prima facie, the complaint appears to have been made within the period of limitation and falls under the territorial jurisdiction of this court. On the basis of averments contained in the complaint, an offence u/s 138 NI Act appears to have been committed. In the considered opinion of this court, prima facie, there is sufficient material available on record to proceed further. I hereby take cognizance of offence **u/s 138 NI Act**.

Following the law laid down by the Hon'ble Supreme Court in ***AC Narayanan v. State of Maharashtra & Anr. (2014) 11 SCC 790***, complaint, affidavit of evidence, and annexed documents considered. Inquiry under Section 202 Cr.PC conducted. In the concerned opinion of the court, there are sufficient ground for proceeding against the accused no. 1 i.e. a company in the present matter on whose account cheque is drawn. Further, as per ROC data accused no. 2 is the Director of accused no. 1 company. Further accused no. 2 is the signatory on the cheque in question.

Accordingly, issue summons to accused no. 1 and 2, on filing of PF within 30 days, through RC/speed post/WhatsApp/email, returnable for NDOH. In case premises are found to be locked, Process Server is directed to affix the summons at some conspicuous part of the premises.

In terms of the guidelines of the Hon'ble Supreme Court passed in ***Damodar S. Prabhu v. Sayed Babalal H, (2010) 5 SCC 663***, let the following endorsement be made on the summons:-

(a) If accused makes application for compounding of offence at first or second hearing of the case, compounding may be allowed by court without imposing any costs.

(b) any compounding application made at a subsequent hearing of the case may be allowed subject to the condition that the accused will have to pay 10% of the cheque amount to be deposited with the District Legal Services Authority.

Put for appearance of accused/ framing of notice/further proceedings on **07.07.2026**.

(Anshul Agnihotri)

JMFC NI Act -11 (South)

Saket Courts, New Delhi/21.04.2026