

146 CC NI ACT / 46588/2025 HOME PLUS FINANCE LTD Vs.
NARESH /

11.03.2026

Present: Sh. Varun Menon, Ld. counsel for complainant.

Present matter has been received as transferred vide order no.44542-44581/Cases Tsfr/Digital Courts/Judl./DWK/2025 dated 19.11.2025 pursuant to directions issued by Hon'ble High Court. **Physical file received.**

This is complaint filed for offence punishable under Section 138 NI Act. Complaint, affidavit of evidence and other annexed documents perused. I take cognizance of said offence, in terms of provision u/s 142 NI Act.

The counsel for the complainant requests that the pre-summoning may be carried out in absence of AR of the complainant. He has relied on *A. C. Narayanan Vs. State of Maharashtra & Anr.* (2014) 11 SCC 790 in support of his contention.

Heard. Record perused.

I have gone through the judgment of A. C. Narayanan (supra) which provides for discretion to the Magistrate to issue summons upon the accused.

Complaint, affidavit of evidence and documents considered in light of above cited judgment. In opinion of this Court, there is no need to examine the complainant's evidence for purpose of issuance of process. In view of complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused person(s) for offence punishable under Section 138 NI Act.

Hence, **issue summons** against the accused person(s) on P.F./R.C./Approved Courier for **24.08.2026. In case of refusal or non availability, affixation be done as per law.** The complainant can provide email address/mobile number of accused person(s), if any for service. The service of summons through what's app message(s) and text message(s) is also permitted provided the complainant files an affidavit to the effect that number on which the said message(s) are sent is/are of the accused person(s) and further subject to filing of report of service. ***PF to be filed within 14 days.***

An endorsement be also made that if application for compounding at first or second hearing is made the court may pass appropriate orders at the earlier as per judgment of *Damodar S. Prabhu;* (2010) 5 SCC 663.

Dasti summons also permitted for service.

(SHIV KUMAR)
JMFC (NI Act)-05/SW District
Dwarka Courts/New Delhi/11.03.2026