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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3841/2024 & CRL.M.A. 14651/2024 (Stay)
MANMOHAN GUPTA Petitioner
Through: Mr. Vikash Chandra Shukla & Mr.
Mojahid Karim Khan, Advocates.
versus
M/S CAPITAL TRADE LINKS LIMITED, Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **13.05.2024**
CRL.M.A. 14652/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is accordingly disposed of.

CRL.M.C. 3841/2024 & CRL.M.A. 14651/2024 (Stay)

3. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:

“a. Quash the Complaint Case No. NI Act/436 of 2024, filed under Section 138 r/w Section 142 of the Negotiable Instruments Act, 1881 Pending before Ld. Metropolitan Magistrate, West District, Tis Hazari Court as well as summoning order dated 06.03.2024 passed by the Learned Chief Metropolitan Magistrate in Complaint Case No. NI Act/436 of 2024 qua Petitioner qua Petitioner.

AND/OR

b. Pass other such orders as the court deems necessary in the facts and circumstances of the present case in favour of the petitioner.”

4. Learned counsel appearing on behalf of the petitioner submits that the latter has been arrayed as accused no. 3 in the complaint filed by the respondent, wherein the averments made are general in nature with respect to the vicarious liability of the present petitioner. Attention of this Court is



drawn to the following para of the aforesaid complaint:

“8. That accused persons especially Accused No. 2, who has signed the cheque, Accused No.6, who is responsible for managing business and entire finance of the company, Accused No. 7, who is responsible for managing business including entire sales of the company and Accused No. 8, who is responsible for managing entire business and affairs of the company were telephonically informed about the dishonor of the cheque and were requested to make the payment of dishonored cheque, but the accused persons sought sometime to repay the loan and assured the complainant that they will repay the installment within one (1) month at any cost, since they are in process of getting good business benefits.”

5. Issue notice.

6. On the petitioner taking necessary steps, issue notice to the respondent through all permissible modes, including electronic mail, if any, returnable on 18.09.2024.

7. In the meantime, proceedings *qua* the present petitioner before the learned Trial Court shall remain stayed till the next date of hearing.

8. A copy of this order be sent to the concerned learned Trial Court for necessary information and compliance.

9. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 13, 2024/bsr

[Click here to check corrigendum, if any](#)