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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 5031/2018**

MS. BIJU C CHERIAN

..... Petitioner

Through Mr. Divjyot Singh with Mr. Nipun
Dwivedi, Advocates.

versus

PLANETCAST MEDIA SERVICES LIMITED Respondent
Through None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **03.10.2018**

Crl.M.A.33389/2018 (exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 5031/2018 & Crl.M.A.33388/2018 (stay)

1. Petitioner impugns summoning order dated 27.08.2016 and also seeks quashing of the complaint filed by the respondent under Section 138 Negotiable Instrument Act, 1881.
2. Learned counsel for the petitioner submits that the petitioner is an erstwhile Director of Real Video Impact Pvt. Ltd. – accused No.1 and had resigned from the directorship on 18.02.2016 and an intimation with regard to resignation had been uploaded on the Registrar of Companies website. It is submitted that in reply to the statutory notice issued by the respondent, the petitioner, on 19.08.2016, had duly intimated the respondent that he had resigned

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from the directorship with effect from 18.02.2016 and this fact was not disclosed to the Trial Court by the respondent in the complaint filed under Section 138 Negotiable Instrument Act, 1881.

3. Learned counsel for the petitioner further submits that there is a dispute between the petitioner and other Directors and they had misused the signed inchoate cheques lying with the Company which they were supposed to be returned to the petitioner.

4. Learned counsel for the petitioner further submits that a complaint has been lodged by the petitioner against the other Directors, on which, an FIR has been registered in Ernakulam, Kerala.

5. Issue notice to the respondent, returnable on 09.04.2019.

6. In the meantime, the petitioner is granted exemption from personal appearance before the Trial Court provided he is represented by a counsel and does not seek an adjournment on the ground of his absence.

7. Order Dasti under the signatures of the Court Master.

SANJEEV SACHDEVA, J

OCTOBER 03, 2018
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