

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 4349 of 2025**

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NIRALI YAYAATI NADA
Versus
STATE OF GUJARAT & ANR.

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Appearance:

HIREN J TRIVEDI(8808) for the Applicant(s) No. 1

PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**Date : 28/03/2025****ORAL ORDER**

Learned advocate Mr. Korathiya for learned advocate Mr. Hiren Trivedi appearing for the applicant submits that following the dispute between the accused No.1-Company and the respondent No.2 with regard to some business transactions, the respondent No.2 initiated proceedings in the court of the learned Magistrate under Section 138 of the Negotiable Instruments Act, 1881 against the company and its directors. He further submits that the applicant herein joined the Company as the Executive Director on 31.03.2023 and prior to that, one Reetaben Ashwinkumar Shukla was the Director of the Company, and the last transaction that had taken place between the accused-Company and the respondent No.2-complainant was on 15.02.2023, i.e, prior to joining the applicant as the Executive Director in the Company. In short, all the alleged transaction had taken place much prior to the joining of the applicant in the accused-Company, and to substantiate his submission, learned advocate Mr. Korathiya

has produced Form DIR-12. He also submits that even the applicant herein is not the signatory of the Company, and all the alleged cheques were given for the security purpose against the purchase made by the accused-Company from the respondent No.2, and though payments are being made, instead of returning back the said cheques, the respondent No.2 deposited the cheques in its account, some of which, were cleared and some were dishonored. Thus, in view of the fact that all the disputed transactions are prior to the joining of the applicant in the accused Company as also the payments have already been made against the cheques give as a security, the proceedings initiated against the applicant is nothing but a sheer abuse of process of law and is required to be quashed.

Considering the aforesaid submissions, issue Notice, making it returnable on 08.07.2025. Learned APP waives service of notice for and on behalf of the respondent-State.

Till then, let there be an ad-interim order in terms of Para-22(B).

Direct service is permitted.

(DIVYESH A. JOSHI,J)

VAHID

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ABDULVAHID ABDULSATTAR SHAIKH(HC00955), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 29/03/2025 13:03:35