

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 20944 of 2021

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MATRIKAA SHARMA
Versus
STATE OF GUJARAT

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Appearance:

VMP LEGAL(7210) for the Applicant(s) No. 1

for the Respondent(s) No. 2

MR PRANAV TRIVEDI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 30/11/2021

ORAL ORDER

1. Draft amendment is allowed. Necessary amendment to be carried out forthwith.
2. Heard Mr. Vimal M. Patel, learned advocate with Mr. Suren B. Patel, learned advocate for VMP Legal for the applicant.
3. The applicant is seeking quashment of private complaint being Criminal Case No.98785 of 2019 filed before the Metropolitan Magistrate, Court No.34, Ahmedabad for the alleged offence punishable under Section 138 of Negotiable Instruments Act.
4. A bare perusal of the complaint and the materials placed on record reveals that the present applicant is arraigned in the alleged complaint as accused no.5. It is not in dispute that on 14.09.2019, the applicant resigned

from the job as a Company Secretary and her resignation was accepted on the same date. The applicant-accused no.5 is not the signatory of the cheque. The only allegation alleged in the complaint is that the offence was committed by accused no.1 with the consent or in connivance with the accused no.2 to 5.

5. This Court is of considered view that the averments as contemplated under Section 141 of N.I. Act so far present applicant-accused no.5 is concerned, are missing. Thus, the matter deserves consideration.

6 Let notice be issued returnable on **29.03.2022**. Learned APP waives service of notice for and on behalf of the respondent-State.

7. Meanwhile, relief in terms of para-22(B) is granted qua the present applicant.

TAUSIF SAIYED

(ILESH J. VORA,J)