

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2825/2026

Renish Bhansali & Anr.

----Petitioners

Versus

N.B. Jewellers

----Respondent

For Petitioner(s) : Mr. Aditya Vijay with
Mr. Tarun Kumar Verma

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

06/05/2026

1. The present criminal miscellaneous petition has been filed by the petitioners seeking quashing of the Complaint No.906/2024, titled as N.B. Jewellers Vs. P.R.B. Agro and Food Private Limited & Ors., filed under Section 138 of the Negotiable Instruments Act, 1881, pending before the Court of Special Judicial Magistrate (N.I. Act Cases) No.1, Ajmer and against the order dated 18.12.2024 in Complaint No.906/2024, vide which cognizance has been taken against the petitioners.

2. Mr. Aditya Vijay, learned counsel for the petitioners submits that a bare perusal of the impugned complaint (Annexure-1) reveals that no allegations worth the name have been levelled against the petitioners in whatever capacity which is *sine qua non* for maintaining the said petition against them.

3. Learned counsel for the petitioners further submits that while the petitioner No.1 – Mr. Renish Bhansali has been implicated as accused No.4 in the complaint in the capacity of the Director, the details available on the portal of the Ministry of Corporate Affairs

reveals that he is not the director of the company (PRB Agro and Foods Private Limited).

4. In support of the said submissions, learned counsel for the petitioners has placed reliance on the judgment passed by the Hon'ble Supreme Court in **Criminal Appeal No(s). 462 of 2025**, titled as **Hitesh Verma Vs. M/s Health Care at Home India Pvt. Ltd. & Ors.** dated 29.01.2025, paragraph No.5 of which reads as under:-

"There are twin requirements under sub-Section (1) of Section 141 of the 1881 Act. In the complaint, it must be alleged that the person, who is sought to be held liable by virtue of vicarious liability, at the time when the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company. A Director who is in charge of the company and a Director who was responsible to the company for the conduct of the business, are two different aspects. The requirement of law is that both the ingredients of sub-Section (1) of Section 141 of the 1881 Act must be incorporated in the complaint. Admittedly, there is no assertion in the complaints that the appellant, at the time of commission of the offence, was in charge of the business of the company. Therefore, on a plain reading of the complaints, the appellant cannot be prosecuted with the aid of sub-Section (1) of Section 141 of the 1881 Act."

5. Taking note of the above, issue notice to the respondents, returnable within six weeks. Notice be sent through registered post in addition to normal process.

6. List the matter on 22.07.2026 along with S.B. Criminal Miscellaneous Petition No.2816/2026.

7. In the meanwhile and till further orders, the effect and operation of the order dated 18.12.2024 and further proceedings in Criminal Complaint No.906/2024, titled as N.B. Jewellers Vs. P.R.B. Agro and Food Private Limited & Ors., pending before the Court of Special Judicial Magistrate (N.I. Act Cases) No.1, Ajmer, shall remain stayed.

(ANUROOP SINGHI),J

DANISH USMANI /18