13.
15.09.2025

Bd.
Ct. 29

CRR 2135 of 2025

Gouri Prasad Goenka
Vs.
Lake Terrace Private Limited

Mr. Sabyasachi Banerjee
Mr. Bikram Mitra ... for the petitioner.

This application has been preferred by the petitioner seeking quashment of the proceeding being C 4005 of 2015 under section 138/141 of the Negotiable Instruments Act, 1881 presently pending before learned 5th Judicial Magistrate, Alipore, South 24 Parganas.

Mr. Banerjee, learned Senior counsel appearing on behalf of the petitioner submits that the impugned cheque is dated 25.05.2015 but the petitioner had resigned from his Directorship on and from 01.04.2015 and the petitioner is only a Non-Executive Director since then he never took part in any day to day activities of the company. The petitioner has also not executed any document/agreement in respect of the impugned transaction. The petitioner did not sign the cheque nor had performed any significant role in the impugned transaction. The petitioner relied upon the Judgment of **SMS Pharmaceuticals Ltd. vs. Neeta Bhalla & Anr**. reported in **(2007) 4 SCC 70** and contended that he has been falsely implicated since he is the Chairman of the Company but as Chairman his duty is only to chair meetings and to oversee the group's business and nothing more. Since the petitioner is merely a Non-Executive Director and is not representing the company and also not espousing the cause of action of the accused company, so he is not vicariously liable and

cannot be implicated under section 141 read with section 138 of the N.I. Act. Accordingly, petitioner's contention is continuance of further proceeding qua the petitioner shall be a mere abuse of process of Court.

Having heard learned counsel for the petitioner, the application is admitted.

Petitioner is directed to serve a copy of application upon the opposite party through speed post intimating next date of hearing and to file affidavit of service on the returnable date.

Let the matter be listed three weeks after the Puja vacation.

Learned counsel appearing for the petitioner also prays for granting stay of the impugned proceeding.

Having heard learned counsel for the petitioner and that the petitioner has made out an arguable case, which requires adjudication, the impugned proceeding being C 4005 of 2015 pending before learned 5th Judicial Magistrate, Alipore, South 24 Parganas, is hereby stayed till end of December, 2025 or until further order, whichever is earlier.

(Dr. Ajoy Kumar Mukherjee, J.)