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

+ **CRL.M.C. 5730/2023**

RAJEEV BAKSHI

..... Petitioner

Through: Mr. Saurabh Soni, Mr. Asim Naeem,
Mr. Mannat Singh and Mr. Sanjeet
Kumar Thakur, Advocates

versus

AWINI AMBUJ SHANKAR

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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11.08.2023

CRL.M.A. 21576/2023(for exemption)

1. Allowed subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 5730/2023

3. By way of the present petition the petitioner seeks quashing of Complaint Case No. 9865/2017 under Section 138 r/w 141 of the Negotiable Instruments Act, 1881 titled *Awini Ambuj Shanker vs. Kuberswamy Ashutosh Consultants Pvt. Ltd. & Ors*, qua the petitioner.
4. On the petitioner taking steps, issue notice to the respondent, by all permissible modes, returnable on 09.11.2023.

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CRL.M.A. 21575/2023(stay)

5. Learned counsel for the petitioner has drawn the attention of this Court to the order dated 31.03.2018 passed by the learned ACMM (Special Acts), Tis Hazari District Courts, Delhi in CC No. 512625/2016 titled ***ROC Vs. M/s Kuberswamy Ashutosh Consultants (P) Ltd. Ors*** and a subsequent order dated 05.07.2019 passed by a learned Single Judge of this Court in CRL.O.(CO.) 2/2012 titled ***M/s Dimensions Investment & Securities Ltd. vs. Sh. Uday Dutt & Ors.*** to show that the petitioner herein sought deletion from the array of the parties as he was no more the director of the company M/s Kuberswamy Ashutosh Consultants Pvt. Ltd. after his resignation on 27.03.2009. He further submits that as disclosed from the complaint filed by the Registrar of Companies against the said entity in 2012, the same has not been filed against him.

6. Considering the aforesaid, this Court is of the view that the petitioner has been able to make out a prima facie case in his favour.

7. Accordingly, there shall be a stay of the proceedings qua the petitioner in complaint case No. 9865/2017 titled ***Awini Ambuj Shanker vs Kuberswamy Ashutosh Consultants Pvt. Ltd. & Ors.***, pending adjudication before the Court of the Ld. MM, Patiala House District Court, New Delhi till further orders.

8. Renotify on 09.11.2023.

SAURABH BANERJEE, J

AUGUST 11, 2023/rr

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