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

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Date of Decision: 14.08.2025

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CRL.M.C. 5605/2025, CRL.M.A. 24054/2025 & CRL.M.A. 24053/2025

MOHIT KUMAR ALIAS MOHIT GOELLPetitioner

Through: Mr. Sandeep Sharma, Sr. Advocate
with Mr. Amit Choudhary, Ms.
Akansha Mehra, Advocates

versus

SHARP CORP LTD

.....Respondent

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The petitioner, being accused no. 3 before the trial court seeks quashing of Criminal Complaint Case No. 13024/2019, titled *Sharp Corp. Limited vs. Family of Dry Fruits India Pvt. Limited & Ors* under Section 138 Negotiable Instruments Act, pending trial before learned Magistrate.

2. I have heard learned Senior Counsel for petitioner.

3. The only ground on which the subject complaint case is assailed is the alleged defect in the Board Resolution, which authorized the representative of the complainant company to file and prosecute the complaint. It is contended by learned Senior Counsel that since the cheques in question



bounced on 08.07.2019 and the subject complaint case was filed on 02.09.2019, the Board Resolution dated 09.05.2019 is not correct authority to file the complaint. Learned Senior Counsel for petitioner further submits that even subsequently, though prior to summoning of the petitioner, vide order dated 01.10.2021, learned trial Magistrate allowed substitution of the earlier authorized representative with a new one, but the Board Resolution authorizing the substituted representative did not ratify the previous proceedings. Learned Senior Counsel for petitioner contends that Ms. Vidhi Goel, who signed the Board Resolution 09.05.2019 was not even Director of the complainant company on the date when she signed the resolution. No other ground has been raised to assail the subject complaint case.

4. To reiterate in the light of settled legal position, there is no challenge to the ingredients of the offence under Section 138 Negotiable Instruments Act in the present case. The only challenge, as mentioned above is that the Board Resolution authorizing filing of the subject complaint case dates 09.05.2019, whereas the subject complaint was filed on 02.09.2019.

5. So far as the argument *qua* Ms. Vidhi Goel not being the Director on 09.05.2019, I am unable to convince myself with this argument to quash the subject complaint. For, the Board Resolution on record is in fact extract of the minutes of meeting dated 09.05.2019 of the Board of Directors of complainant company and signatures of Ms. Vidhi Goel on the same in the capacity as Director of the complainant company is limited to the extent of certifying the same to be the true copy of the resolution adopted in the meeting dated 09.05.2019. However, I must add a cautious rider at this stage



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that this aspect shall be open for the learned trial Magistrate to examine without getting influenced with this view.

6. In view of the above discussion, I am unable to find any reason to quash the subject complaint. Therefore, the petition is dismissed. Pending applications also stand disposed of.

**GIRISH KATHPALIA
(JUDGE)**

**AUGUST 14, 2025
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