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* IN THE HIGH COURT OF DELHI AT NEW DELHI
Date of Decision: 1st September, 2026

CNR No. DLHC010893982024

+ CRL.M.C. 9603/2024

RAKHI RANDHIR ASERPetitioner

Through: Ms. Vanita Tiwari, Advocate.
versus

KEI INDUSTRIES LTD.Respondent

Through: Mr. Ajay Kohli, Ms. Apoorva
Agarwal, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CRL.M.A. 10820/2026 & CRL.M.A. 11830-11831/2026

1. The abovesaid petition was *dismissed in default* on 24.02.2026.
2. After hearing learned counsel for both the parties, the delay is, hereby, condoned and the petition is restored to its original number and position.
3. Applications stand disposed of.
4. Since parties are present in Court, the petition has been taken up today.

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5. Present petition seeks quashing of summoning order dated 18.07.2019 by invoking Section 528 of *Bharatiya Nagarik Suraksha Sanhita, 2023* (BNSS).
6. When the present petition was taken up by the learned Predecessor Bench on 06.12.2024, while recording the submissions made by the learned counsel for the petitioner, notice was issued to the respondent and the proceedings *qua* the petitioner herein were also directed to be stayed.
7. According to the averments appearing in the petition, the petitioner



seeks quashing for the reason that there is no specific allegation to indict her and that in the entire complaint, no specific role has been ascribed to her.

8. There are two things which are very important and significant in the present context.

9. Let me refer to those, one by one.

10. Copy of the complaint in question has been placed on record and as per complainant-M/S KEI Industries Ltd., the cheque in question had been issued by the accused company which is a partnership firm. The name of the accused Company is M/S R.D. Enterprises and its two partners are Mr. Randhir Dinesh Asher and his wife Ms. Rakhi Randhir Aser (petitioner herein).

11. Para 17 of the abovesaid complaint reads as under:-

“17. That the Accused No.1 is the Partnership Firm and accused No. 2 & 3 are the partners of Accused No. 1 Firm and are in charge of and responsible for the day-to-day affairs and operations of the said concern. The Accused No. 2 besides being partner of the said firm is also the signatory of the said cheque and thus, are liable to be joined as accused persons under section 138 of Negotiable Instrument Act, 1881 along with Accuse No.1 firm. The Accused person is therefore liable to be prosecuted for the offence as contemplated in Section 138 of Negotiable Instruments Act.”

12. When the matter was taken up by learned Predecessor Bench and interim order was passed in favour of petitioner, the submission of petitioner was recorded and according to the submission made at that time, the petitioner herein was claimed to be inactive partner of the firm and not in-charge of its day-to-day affairs.

13. Learned counsel for respondent/complainant submits that the complaint in question contains clear-cut averment which specifies and described the role and involvement of the petitioner herein. He also submits that for the reasons best known to the petitioner, a wrong submission was



made before this Court in order to earn compassion. He submits that there is nothing on record which may indicate that the petitioner herein was inactive partner. On the contrary and to make things worse, she is working partner of the accused firm.

14. During course of the consideration, he has shown a Deed of Reconstitution of the Partnership Firm and as per the abovesaid deed which was executed on 20.06.2009, Mr. Randhir Aser and his wife -Ms. Rakhi Randhir Aser, are described as *working partners*. It is also mentioned in such deed that they are responsible for and entitled to carry out day-to-day functioning of the partnership firm, provided that they do not commit any act, to the detriment of the interest of the partnership. The profit sharing between them is also in the proportion of 60:40, wherein 40% being the share of the applicant.

15. Learned counsel for the petitioner though, does not dispute the fact that there is a Partnership Deed and that such deed also describes both of them as working partners, submits that in the complaint, there is no allegation or averment attributable to her. However, as already noticed above, the petitioner has been alleged to in-charge of and responsible for the day-to-day affairs and operations of the partnership firm in question.

16. Keeping in mind the specific averments made in the complaint as well as the abovesaid *Partnership Deed*, there is nothing to infer abuse of process of law, necessitating any interference by this Court by invoking its inherent power.

17. On the contrary, the conduct of the petitioner does not seem to be above board as the petitioner herself should have rather placed on record the copy of the *Partnership Deed* in case she was of the view that she was not active



partner. A wrong submission before this Court was neither warranted nor justifiable.

18. Be that as it may, in view of the above, this Court, does not find any merit in the present petition.

19. The petition is, accordingly, dismissed.

20. Needless to say, the stay which had been granted by this Court on 06.12.2024, stands vacated.

21. However, it will be still open to the petitioner herein to demonstrate before the learned Trial Court that at the relevant time, she was not in-charge or concerned with the day-to-day affairs of the accused firm. We need to emphasise that such question of fact, can be, even otherwise, appropriately answered during the course of trial only.

22. Petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 1, 2026/sw/sa