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

Reserved on 13th July 2026
Pronounced on: 17th July 2026
Uploaded on: 18th July 2026

\+ **CRL.M.C. 4493/2014 & CRL.M.A 15409/2014**

VENESSA BEUMONT .....Petitioner

Through: Mr. S.D. Singh, Sr. Adv. with Mr. Siddharth Singh, Mr. Meenu Singh, Mr. Kamla Prasad, Mr. Manan Saini and Mr. Navneet Pathania, Advs.

Versus

STATE & ORS .....Respondents

Through: Mr. Naresh Kumar Chahar, APP for State.

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the '*CrPC*') seeking quashing of Complaint Case No. 1/01/2014 pending before the Court of the learned Metropolitan Magistrate-01, South District, Saket Courts, New Delhi. The petitioner also seeks setting aside of the summoning order dated 01.08.2014 whereby the learned Metropolitan Magistrate summoned the petitioner and co-accused for the offences punishable under Sections 419, 420, 468, 471 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as the '*IPC*').

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FACTUAL MATRIX:

2. Briefly stated, Respondent No.2 instituted a complaint before the learned Metropolitan Magistrate alleging that it is a company engaged in the business of software development and bug fixing. It was alleged that the petitioner and the co-accused, who had placed orders with the complainant-company in the year 2011 for software development and bug fixing. According to the complainant, the work assigned was completed and the agreed consideration was also paid.

3. The complaint alleged that the complainant-company had no association, tie-up, joint venture or any other understanding with the petitioner and the co-accused. It was averred that on 08.06.2012, the complainant came to know that the petitioner and the co-accused were allegedly forging and fabricating the complainant's letterheads and other documents while falsely representing themselves to be executives and authorised representatives of the complainant-company.

4. It is further alleged that appointment letters were being issued in the name of the complainant-company, work visas and other statutory compliances were being facilitated by using the complainant's documents, and authority letters had been issued by the petitioner in the name of the complainant-company. The complainant also alleged that premises had been taken on rent at Oberoi Garden, Kandivali, Mumbai in the name of the complainant-company, where its signboard had been displayed and persons had been employed by representing the said premises to be an office of the complainant-company.

5. According to the complainant, despite repeatedly calling upon the

petitioner through email communications dated 08.06.2012 to cease such activities and despite lodging a complaint with the Police Station Fatehpur Beri on 19.01.2013, no action was taken by the police authorities.

6. Consequently, Respondent No.2 instituted the complaint before the learned Metropolitan Magistrate. During the pre-summoning stage the authorised representative of the complainant-company-CW1 gave statement and reiterated the allegations contained in the complaint. In support of the complaint, reliance was placed on various documents, including the Board Resolution authorising the institution of the complaint, email correspondence, the alleged authority letter, appointment letters, work visa documents and the complaint submitted to the police authorities.

7. Upon consideration of the complaint, the learned Metropolitan Magistrate by the Impugned Order dated 01.08.2014, observed that a *prima facie* case was made out and summoned the petitioner and the co-accused to face trial for offences punishable under Sections 419, 420, 468 and 471 read with Section 34 Indian Penal Code, 1862 (hereinafter referred to as 'IPC'). The learned Metropolitan Magistrate held as under:

> *"At the stage of per summoning evidence, the Complainant examined A.R. of the company who reiterated the facts of the Complainant. After going through the record contents of the Complainant and as per deposition of the Complainant and the documents placed on record, it is but evident that the accused person have caused unlawful loss to the Complainant while causing unlawful gain to themselves.*
>
> *They have also misrepresented themselves to be on part of the Complainant company which they infact are not. They have forged the letter heads of the Complainant and signed several letters on behalf of the*

> *Complainant to various people. Hence, I summoning the accused, Venessa Beumont and Kathrina Rulka. for cheating and in personating U/s. 419/420/ 468/ 471/ 34 IPC.*
>
> *Summons to be issued to the accused persons for filling the P.F., speed post for 23.9.2014."*

8. Aggrieved by the issuance of the summoning order and the continuation of the complaint proceedings, the present petition has been filed.

SUBMISSION ON BEHLAF OF THE PETITIONER:

9. Learned counsel for the petitioner submits that the complaint proceeds on the premise that there was no association or business relationship between the complainant-company and the entities with which the petitioner was associated. Learned counsel submits that the material placed on record by the petitioner shows that there existed a commercial relationship and an understanding between the entities concerned.

10. Learned counsel further submits that none of the documents relied upon by the complainant establish that the petitioner forged any document, impersonated any representative of the complainant-company or used its letterheads without authority. It is contended that the documents relied upon during the pre-summoning stage do not support the allegations made in the complaint and, therefore, no *prima facie* case was made out for issuance of summons.

11. It is further submitted that the complaint does not disclose any material to show that the petitioner derived any wrongful gain or caused any wrongful loss to the complainant. It is contended that the observations to this effect in the impugned order are not supported by the allegations contained in the

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complaint or the material placed before the learned Metropolitan Magistrate .

12. Learned counsel submits that the allegations regarding issuance of appointment letters, misuse of letterheads and unauthorised recruitment of employees are not supported by any contemporaneous document. It is contended that the correspondence exchanged between the parties, including the email communications relied upon by the petitioner, does not support the complainant's allegations and on the contrary reflects the commercial relationship between the entities concerned.

13. It is further submitted that the complaint is a consequence of disputes which had arisen between the petitioner and Sh. Mahesh Chand Nagar. Learned counsel submits that the petitioner had earlier initiated criminal proceedings before the Economic Offences Wing alleging commission of offences by the said Sh. Mahesh Chand Nagar and that the present complaint has been instituted thereafter as a retaliatory measure. It is submitted that the criminal proceedings have been initiated with the object of exerting pressure upon the petitioner.

14. The learned counsel further place reliance on the judgement of Supreme Court in ***Pepsi Foods Ltd. Anr. Vs. Special Judicial Magistrate and Ors., (1998) 5 SCC 749,*** and ***Suresh Kumar Goyal and Ors. Vs. State of U.P. and Anr, (2019) 14 SCC 318.***

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

15. *Per contra*, learned APP on behalf of the state, supports the impugned summoning order and submits that the present petition is devoid of merit and is liable to be dismissed. It is submitted that the complaint and the documents placed before the learned Metropolitan Magistrate disclose a *prima facie* case

for the offences alleged and therefore, no interference is called for in exercise of the inherent jurisdiction of this Court.

16. The reply filed on behalf of respondent no. 2 has been perused, in the said reply, Respondent No. 2 has stated that the petitioner has sought to divert the controversy by placing reliance upon disputes involving Sh. Mahesh Chand Nagar and the proceedings initiated against him. According to respondent No.2, those disputes are independent of the present complaint and have no bearing on the allegations which form the subject matter of the present case. It is submitted that the issue before this Court is confined to the alleged unauthorised use of the complainant-company's name by the petitioner and the co-accused.

17. Respondent No. 2 has further stated in its reply that the allegations in the complaint are supported by the documents produced during the pre-summoning stage, which on face value demonstrate the unauthorised use of respondent No.2's name and credentials. Learned counsel submits that the petitioner and the co-accused represented themselves as being associated with respondent No.2, issued documents in its name and undertook activities on its behalf without any authority. It is contended that these allegations disclose the ingredients of the offences for which cognizance has been taken by the learned Metropolitan Magistrate .

18. It is also stated in the reply that the petitioner's reliance upon disputes involving Mr. Mahesh Chand Nagar cannot constitute a defence to the allegations in the present complaint. According to respondent No.2, even assuming that disputes existed between the petitioner and the said individual, the same would not justify the alleged acts attributed to the petitioner nor affect the maintainability of the complaint.

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19. Respondent No. 2 has further stated that the learned Metropolitan Magistrate has passed the impugned order after considering the complaint, the statement of the authorised representative of respondent No.2 and the documents placed on record. Learned counsel submits that, at the stage of issuance of process, the Court is only required to examine whether the material before it discloses a *prima facie* case and not whether the prosecution is likely to ultimately succeed. According to respondent No.2, the learned Metropolitan Magistrate has correctly applied the settled principles governing the exercise of jurisdiction at the stage of summoning.

ANALYSIS AND FINDINGS:

20. This Court has heard learned counsel for the petitioner and has perused the material on record.

21. The principal challenge in the present petition is to the summoning order dated 01.08.2014 whereby the learned Metropolitan Magistrate has summoned the petitioner for offences punishable under Sections 419, 420, 468 and 471 read with Section 34 IPC. According to the petitioner, the complaint does not disclose the ingredients of the offences alleged. On the other hand, respondent No.2 submits that the complaint and the pre-summoning evidence disclose a *prima facie* case and that the defence sought to be raised by the petitioner cannot be examined in proceedings under Section 482 CrPC.

22. The scope of interference under Section 482 CrPC in relation to an order issuing summons is well settled. The inherent jurisdiction of the High Court is required to be exercised only in exceptional cases where continuation of the proceedings would amount to an abuse of the process of law or where the complaint fails to disclose the commission of any offence. This principle

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was reiterated by the Supreme Court in the judgement of ***Pepsi Foods Ltd (supra).*** The relevant paragraph is reproduced as under:

> *"28. Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course. It is not that the complainant has to bring only two witnesses to support his allegations in the complaint to have the criminal law set into motion.* ***The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. He has to examine the nature of allegations made in the complaint and the evidence both oral and documentary in support thereof and would that be sufficient for the complainant to succeed in bringing charge home to the accused.*** *It is not that the Magistrate is a silent spectator at the time of recording of preliminary evidence before summoning of the accused. The Magistrate has to carefully scrutinise the evidence brought on record and may even himself put questions to the complainant and his witnesses to elicit answers to find out the truthfulness of the allegations or otherwise and then examine if any offence is prima facie committed by all or any of the accused.*
>
> ***(Emphasis Supplied)"***

23. In ***Suresh Kumar Goyal (supra)***, the Supreme Court held that while exercising jurisdiction under Section 482 CrPC, the High Court may consider defence material only if it is of sterling and unimpeachable quality and is sufficient to completely displace the allegations contained in the complaint. Where adjudication of the defence requires appreciation of disputed facts and evidence, the same must necessarily be left for trial. The relevant paragraphs are reproduced as under:

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"12. While dealing with the jurisdiction under Section 482 CrPC to quash the proceedings at the stage of issuance of process, or at the stage of committal, or at the stage of framing of charges, that is to say before the commencement of actual trial, in the light of material placed on record by the accused, this Court in Rajiv Thapar v. Madan Lal Kapoor[3] laid down as under : (SCC pp. 347-48, paras 28-30)

*"28. **The High Court, in exercise of its jurisdiction under Section 482 CrPC, must make a just and rightful choice. This is not a stage of evaluating the truthfulness or otherwise of the allegations levelled by the prosecution/complainant against the accused. Likewise, it is not a stage for determining how weighty the defences raised on behalf of the accused are.** Even if the accused is successful in showing some suspicion or doubt, in the allegations levelled by the prosecution/complainant, it would be impermissible to discharge the accused before trial. This is so because it would result in giving finality to the accusations levelled by the prosecution/complainant, without allowing the prosecution or the complainant to adduce evidence to substantiate the same. The converse is, however, not true, because even if trial is proceeded with, the accused is not subjected to any irreparable consequences. The accused would still be in a position to succeed by establishing his defences by producing evidence in accordance with law. There is an endless list of judgments rendered by this Court declaring the legal position that in a case where the prosecution/complainant has levelled allegations bringing out all ingredients of the charge(s) levelled, and have placed material before the Court, prima facie evidencing the truthfulness of the allegations levelled, trial must be held*

XXX

30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1. Step one : whether the material relied upon by the accused is sound, reasonable and indubitable i.e. the material is of sterling and impeccable quality?

30.2. Step two : whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3. Step three : whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?

30.4. Step four : whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

30.5. If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when it is clear that the same would not conclude in the conviction of the accused."

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24. A perusal of the complaint shows that respondent No.2 has made specific allegations that the petitioner and the co-accused had no authority to represent themselves as officers or representatives of the complainant-company. It is alleged that despite there being no association or understanding between the parties, the petitioner used the complainant's letterheads and documents, issued appointment letters in the complainant's name, facilitated recruitment and visa formalities by using the complainant's credentials and established an office in Mumbai in the complainant's name. The relevant portion of the complaint made by the respondents is reproduced herein below:

> *"5. It is pertinent to mention that the applicant has no association, tie-up, joint venture or any kind of understanding with M/S Supply Chain Solutions or its executives such as accused no.1 & 2.*
>
> *6. In most shocking manner the applicant came to know on 08.06.2012 that the accused no.1 & 2 are forging and fabricating the letterheads and other documents of the applicant company to falsely represent themselves to be the executives of the applicant company despite there being no such association.*
>
> *7. It has also come to the knowledge of the applicant that the accused no.1 & 2 are issuing appointment letters to new recruits in the name of applicant company and sending them to various countries. For arranging the work visas and other mandatory compliances also the accused persons are forging, fabricating and misusing the applicant's documents to impersonate themselves to be representing ,managing or controlling the applicant company; which is not the case.*
>
> *8. The accused no. 1 & 2 has in fact issued authority letters engaging Rajesh N. Devadiga and have further*

> *taken a premises at 4021,4022, 4039(part),Oberoi Garden, Kandevali, Mumbai on rent in the name of applicant company and have also employed many people fraudulently on behalf of the applicant company. The accused persons have infact also put a sign board of the applicant company in their fake office at Mumbai.*
>
> *9. It is pertinent to mention that the accused no,1 & 2 are forging, fabricating and impersonation the documents purported to have been issued by or belonging to the applicant company for employing them and sending them abroad and arranging their visa formalities."*

25. The complaint further alleges that the aforesaid acts exposed the complainant-company to financial, legal and reputational consequences, including possible tax liabilities and claims by persons allegedly recruited in its name. Whether these allegations are ultimately established is a matter of evidence. However, at the stage of issuance of process, the Court is only required to examine whether the allegations, if taken at their face value discloses the commission of the offences alleged.

26. During the pre-summoning stage, the authorised representative of the complainant in her statement reiterated the allegations contained in the complaint. the Board Resolution, email correspondence dated 08/06/2012, authority letters, appointment letters, visa-related documents and the complaint lodged with the police authorities.

27. During the pre-summoning stage, CW1 the authorised representative of the complainant-company in her statement reiterated the allegations contained in the complaint. CW-1 deposed that the complainant had no association, tie-

up or authority in favour of the petitioner or the co-accused to act on its behalf. It was further alleged that the petitioner and the co-accused had forged the complainant's letterheads and documents and issued appointment letters in the complainant's name. CW1 also relied upon various documents including the Board Resolution (Ex. CW1/1), work visa documents (Ex. CW1/2), email correspondence dated 08/06/2012 (Ex. CW1/3), the alleged authority letter (Ex. CW1/4), the corresponding email (Ex. CW1/5) and the appointment letter (Ex. CW1/6). The learned Metropolitan Magistrate, therefore, had before her not only the allegations contained in the complaint but also the oral testimony of CW-1 supported by documentary material while considering the question of issuance of process. The relevant portion of the statement made by CW1 is reproduced hereinbelow:

COMPLAINT	***STATEMENT***
CW1- ANJU TANWAR	*…The applicant has no association, tie-up, joint venture or any kind of understanding with M/S. Supply Chain Solutions or its executives such as accused No.1 & 2.* *XXX* *…The applicant/complainant came to know on 08.06.2012 that the accused No.1 & 2 are forging and fabricating the letterheads and other documents of the applicant company to falsely represent themselves to be the executive of the applicant company despite their being no such association.*

28. The learned Metropolitan Magistrate after considering the complaint, the pre-summoning evidence and the documents placed on record, proceeded to issue summons. The learned Metropolitan Magistrate in order dated

01.08.2014 held as under:

> *"In this respect the Complainant had filed the complaint before the P.S. but no action was taken by the police.*
> *At the stage of per summoning evidence, the Complainant examined A.R. of the company who reiterated the facts of the Complainant. After going through the record contents of the Complainant and as per deposition of the Complainant and the documents placed on record, it is but evident that the accused person have caused unlawful loss to the Complainant while causing unlawful gain to themselves.*
> *They have also misrepresented themselves to be on part of the Complainant company which they infact are not. They have forged the letter heads of the Complainant and signed several letters on behalf of the Complainant to various people. Hence, I summoning the accused, Venessa Beumont and Kathrina Rulka for cheating and in personating U/s. 419/420/ 468/ 471/ 34 IPC.*
> *Summons to be issued to the accused persons for filling the P.F., speed post for 23.9.2014."*

29. Learned counsel for the petitioner has placed considerable reliance upon various documents to contend that there existed a commercial relationship between the parties and that the petitioner was duly authorised to undertake the acts alleged in the complaint. However, whether such relationship existed or whether it conferred any authority upon the petitioner to use the complainant's name or documents, and whether the documents relied upon by the petitioner establish such authority are all disputed questions of fact. Determination of these issues would necessarily require appreciation of oral and documentary evidence, which cannot appropriately be undertaken

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while exercising jurisdiction under Section 482 CrPC.

30. The contention that the complaint is a counterblast to disputes involving Sh. Mahesh Chand Nagar also cannot be accepted at this stage. Even assuming that disputes existed between the parties, the same would not by itself justify quashing the complaint where the allegations taken at their face value disclose the commission of cognizable offences.

31. This Court is also unable to accept the submission that the learned Metropolitan Magistrate issued summons mechanically or without application of mind. The impugned order specifically records that the learned Metropolitan Magistrate considered the complaint, the deposition of the authorised representative and the documents placed on record before arriving at a *prima facie* satisfaction.

32. At the stage of issuance of process, the Court is not required to record elaborate findings on each ingredient of the offences alleged. What is required is the formation of a *prima facie* opinion on the basis of the material placed before it. The impugned order cannot be said to suffer from any such infirmity as would warrant interference in exercise of inherent jurisdiction.

33. The present case also does not satisfy the test laid down in ***Suresh Kumar Goyal (supra).*** The defence material relied upon by the petitioner neither conclusively rules out the allegations made in the complaint nor is it of such unimpeachable nature that continuation of the proceedings would amount to an abuse of the process of the Court. The issues sought to be raised by the petitioner are matters of evidence and are required to be adjudicated by the learned Trial Court.

34. The submissions made by the petitioner rests upon the defence sought to be taken on the basis of the documents relied upon by the petitioner.

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Acceptance of these submissions would require this Court to adjudicate upon disputed questions of fact and assess the evidentiary value of the documents produced by the parties. Such an exercise falls within the domain of the learned Trial Court and cannot be undertaken by this court while exercising jurisdiction under Section 482 CrPC. At this stage, the Court is only concerned with examining whether the complaint and the material placed before the learned Metropolitan Magistrate discloses a *prima facie* case. The defence available to the petitioner is a matter to be considered during the course of trial.

CONCLUSION:

35. In view of the aforesaid discussion, this Court is satisfied that the complaint, the pre-summoning evidence and the documents placed before the learned Metropolitan Magistrate disclosed sufficient material to form a *prima facie* opinion for issuance of process. The contentions urged by the petitioner raise disputed questions of fact which cannot be adjudicated in proceedings under Section 482 CrPC. No perversity is made out in the impugned summoning order dated 01.08.2014.

36. Accordingly, the present petition, along with the pending application(s), if any, is dismissed. The *interim* order(s), if any, stand vacated.

MADHU JAIN
(JUDGE)

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