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

Date of Decision: 05th August, 2026

\# **CNR No. DLHC010209562022**

\+ CRL.M.C. 2575/2022

AMIT KUMAR@ AMIT GOEL .....Petitioner

Through: Mr. Sanchit Garga, Mr. Kunal Rana, Mr. Shashwat Jaiswal, Advocates.

versus

M/S INTEC CAPITAL LTD. .....Respondent

Through: Mr. Divyanshu Arora, Mr. Vipul Talwaar, Advocates.

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\# **CNR No. DLHC010376322024**

\+ CRL.M.C. 4981/2024&CRL.M.A. 19039/2024

AMIT KUMAR .....Petitioner

Through: Mr. Sanchit Garga, Mr. Kunal Rana, Mr. Shashwat Jaiswal, Advocates.

versus

M/ S INTEC CAPITAL LTD. .....Respondent

Through: Mr. Divyanshu Arora, Mr. Vipul Talwaar, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T *(oral)*

1. Petitioner is facing prosecution in two separate complaints filed for commission of offence under Section 25 *Payment and Settlement Systems Act*, 2007 read with *Chapter XVII of Negotiable Instruments Act, 1881*.

2. The main grievance of the petitioner herein is to the effect that he was not the Director at the relevant time and, therefore, the complaints could not have been filed against him.

3. According to petitioner, he had resigned on 11.03.2013 whereas the legal notice in question was issued in the year 2017. The electronic fund

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transfer is also of the year 2017.

4. This Court, while taking up petitions of the similar nature on 28.07.2026, had observed that these are disputed questions of facts which can be answered appropriately only during the trial. The relevant observations made in *Sarveshwar Shrivastava vs. Modern Paper Mart Pvt. Ltd. and Ors: 2026 DHC 6078* read as under:-

> *"3. It is submitted that the applicant had resigned on 11.10.2023 whereas the cheques in question are of subsequent dates i.e. 16.02.2025, 24.02.2025, 04.03.2025, 12.03.2025 and 22.03.2025.*
> *4. Fact, however, remains that the abovesaid complaints are at initial stage. The fact whether the petitioner ceased to be the Director of the said company at the relevant time is a disputed question of fact, which cannot be gone into comprehensively by this Court in a petition of the present nature, particularly when there is no admission or acknowledgement about the abovesaid fact by his adversary i.e. complainant.*
> *5. Reference be made to RL Toshniwal v. Indo Rama Synthetics (India) Ltd. 2003 (68) DRJ474, wherein also this court had observed that the fact whether any such Director has already resigned or not is a disputed question of fact which can only be appropriately adjudicated during the trial. The relevant observation reads as under:-*
>
> > *"4. This Court has consistently taken the view that once the accused persons have been summoned to face trial under Section 138 of the Act, the question as to whether such persons had resigned from the accused company and had ceased to be responsible for day to day business of the accused company can be decided only after evidence is led by the parties at the appropriate stage. Reference in this connection may be had to the case of Sunaina R. Mathani v. National Capital Territory of Delhi and Ors., and Anurag Modi v. MSTC Ltd., Similar view has been taken by the Supreme Court in the case of Municipal Corporation of Delhi v. Purshotam Dass Jhunjunwala and Ors., 1983 CAR 7(SC) under Prevention of Food Adulteration Act and also in the case of Raj Lakshmi Mills v. Shakti Bhakoo, which was a case under Section 138 of the Act."*
>
> *6. Reference be also made to K.P.G Nair v. State AIR 2008 (NOC) 1513 (DEL.).*
> *7. Moreover, at the stage of admission/denial of documents, the petitioner can always place all these documents before the learned Trial Court so that appropriate order can be passed by*

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> *the learned Trial Court after ascertaining response of the complainant with respect to such documents.*
> *8. In view of the above, all the abovesaid three Revision Petitions are, hereby, dismissed.*
> *9. It is, however, clarified that there is no adjudication on merits and about the abovesaid question of fact and it will be, entirely, up to the learned Trial Court to answer the same at appropriate stage, in accordance with law."*

5. The situation in the present two petitions is also, more or less similar.

6. Notices under Section 251 Cr.P.C. have already been served upon the concerned accused persons, including the petitioner herein and the cases are at the stage of Complainant's evidence, *albeit*, no witness has so far entered into witness box.

7. Fact whether the petitioner ceased to be Director at the relevant time would be appropriately answered during the trial and, therefore, the invocation of inherent power of this Court under Section 482 Cr.P.C. does not seem warranted.

8. The petitions are, accordingly, dismissed.

9. It is, however, clarified that all rights and contentions of the parties are reserved and it would be open to petitioner herein to demonstrate before the learned Trial Court that at the relevant time, he was no longer a Director and that, therefore, the complaints in question could not have been filed against him.

10. Petitions are disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 5, 2026/*sw/sk*

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