

27.02.2026

There is pendency of more than 35,000 cases in the present court, therefore, it is not possible to give shorter date in the cases.

Parcha Yadashat

Present : Sh. Manoj Garg, Ld. Counsel for complainant.

Matter is listed for report on settlement at the stage of pre cognizance.

Ld. Counsel for complainant submits that the matter came to be settled in the mediation center. However, the accused has already resiled from the terms of settlement.

Accordingly, in terms of the submissions made, the matter is proceeded with on merits.

Court has perused the digital record.

As per the acknowledgment shown by counsel for complainant, it appears that filing was initiated on 19.05.25. The same is considered effective date of filing.

A perusal of the file reveals that cheque bearing no. 000001 was issued on 13.01.25. The same was returned on 19.03.25 with the comment 'account closed'. The legal demand notice was sent on 04.04.25 (the day on which the return memo is received is excluded for the purposes of calculating the period of limitation for sending the legal demand notice within 30 days). The legal demand notice is deemed to have been delivered in the regular course of business. Henceforth, the legal demand notice is deemed to be served u/s 27 of the General Clauses Act read with section 114 of the Indian Evidence Act. The present complaint came to be efiled on 19.05.25. The same appears to be within the period of limitation.

Pre-summoning evidence by way of affidavit and other annexed documents perused. This court finds sufficient material to proceed ahead with the case at hand. I take cognizance of the offence punishable u/s 138 NI Act.

Following the law laid down in A. C. Narayanan Vs. State of Maharashtra & Anr. (2014) 11 SCC 790, complaint, pre-summoning evidence by way of affidavit and other documents considered. In view of the same, there are sufficient grounds for proceeding further against accused **Mohd Salman Ansari**, for offence punishable under Section 138 N. I. Act. I hereby summon the said accused person.

Ahlmad is hereby directed to issue summons against the accused persons **on filing of P.F./R.C./Approved Courier as well as through e mail ID and whatsapp number of accused persons on furnishing of the correct e mail ID and whatsapp Number of the accused persons by the complainant. The complainant is at liberty to get the summons served through all permissible modes including electronic and dasti.**

The process server is directed to serve the summons by way of affixation in terms of section 65 CrPC (section 67 of BNSS, 2023), if premises found closed or same could not be served personally or on any adult male member.

Further, the complainant is to file an affidavit to the effect that the service of summons has been effected via e mail and/or whatsapp number of the accused. The affidavit is to be annexed along with certificate u/s 65 B of Indian Evidence Act (section 63 of BSA, 2023). A digital copy of screenshot of such service be necessarily attached with a report on summons.

As per the guidelines laid down in **Damodar S. Prabhu Vs. Sayyed Baba Lal H²⁵**, Ahlmad is directed to make a mention on the summons issued against the accused that "accused can make an application for compounding of the offence at the first and second hearing of the case and if such an application is made compounding may be allowed by the court without imposing any cost on the accused."

The Ahlmad is directed to mention the official email Id and video conferencing link of this Court on the summons. Complainant is directed to file PF and take steps within 4 weeks including providing copy(ies) of complaint. Matter be fixed for appearance of accused and framing of notice on **18.05.2026**.

(Anjali Singh)

JMFC (NI Act) – 03/PHC/ND/27.02.2026