

CC NI ACT / 6222/2026

SEWA GRIH RIN LIMITED Vs. Nikita Chouhan

20.05.2026

Fresh complaint case has been received. It be checked and registered as per rules.

Present : Ms. Mehak Sharma, Ld. Counsel for complainant.

Matter is at the stage of consideration.

Vide judgment of Hon'ble Supreme Court in Sanjabij Tari Vs. Kishore S. Borcar & Anr. (criminal appeal no. 1755/2010) decided on 25.09.2025, it was held that there is no requirement of sending a notice to the proposed accused at pre-cognizance stage for offence U/s 138 NI Act.

Arguments Heard. Entire record including the complaint and the annexed documents perused thoroughly. It is alleged that accused has issued the cheque(s) in question to the complainant in discharge of a legal liability. On presentation, the same got dishonoured. Thereafter, demand notice was sent to the accused by the complainant. Thereafter, the accused has failed to make the payment within 15 days of receipt of the legal notice as per provisions of the Negotiable Instruments Act, 1881. Thereafter, the present complaint has been filed by the complainant.

The Hon'ble Supreme Court in the decision reported as A.C. Narayanan v. State of Maharashtra (2014) 11 SCC 790 has held as under, "29. From a conjoint reading of Sections 138, 142 and 145 of the N.I. Act as well as Section 200 of the Code, it is clear that it is open to the Magistrate to issue process on the basis of the contents of the complaint, documents in support thereof and the affidavit submitted by the complainant in support of the complaint....

...33.4 In the light of Section 145 of the NI Act, it is open to the Magistrate to rely upon the verification in the form of affidavit filed by the complainant in support of the complaint under Section 138 of the NI Act and the Magistrate is neither mandatorily obliged to call upon the complainant to remain present before the Court, nor to examine the complainant or his witness upon oath for taking the decision whether or not to issue process on the complaint under Section 138 of the NI Act."

Similar directions have been issued in Indian Bank Association & Ors. v. Union of India (2014) 5 SCC 590 and Rajesh Agarwal v. State (2010) 171 DLT 51.

In light of the aforesaid decision, there is no need to examine the complainant before issuing process to the accused. Accordingly, on consideration of the complaint, annexed documents and the verification affidavit of the complainant, this Court is of the opinion that prima facie there are sufficient grounds for proceeding against the accused mentioned

below for the commission of offence under Section 138, Negotiable Instruments Act, 1881. There is no requirement for examination of the complainant or witnesses for purpose of issuance of process in view of the above-mentioned directions of the Hon'ble Apex Court and Hon'ble Delhi High Court. In terms of inquiry conducted under Section 225 BNSS, all the statutory requirements have been complied with. The complaint is filed within the period of limitation as prescribed under Section 142(1)(b) of the Negotiable Instruments Act.

Ld. Counsel for complainant submits that the matter has been compromised amicably between the parties and the complainant does not wish to proceed with the matter against the accused as the complainant has received the full and final payment towards present case. Ld. Counsel for the complainant requests that the present complaint be disposed of as compounded.

Put up before Special Lok Adalat sitting on **18.07.2026**.

(Pranjal Gangwar)
Judicial Magistrate First Class (NI Act)-03
Central/Delhi/20.05.2026