

IN THE COURT OF SH. RAVINDER SINGH-II
ADDL. SESSIONS JUDGE-05
DWARKA COURTS: NEW DELHI

CR No. : 267/2026
CNR No. DLSW01-003492-2026

HDFC BANK LIMITED
Through its Authorised Representative
Mr. Sandrabh Roy
Having its Registered Office at :
HDFC Bank House, Senapati Bapat Marg,
Lower Parel (West), Mumbai – 400 013.

Having Branch Office at:
1st Floor, Tower A, Plot No. 31
(Near Jaguar Land Rover and BMW Showroom)
Najafgarh Industrial Area
Shivaji Marg, Moti Nagar, New Delhi - 110015

.... Revisionist

VERSUS

SURINDER PAL SINGH
R2 Flat S4 SF Gali No. 4, Shyam Kunj
VPO Bhondsi Bhudsi, Haryana – 122102

Also at :
VPO Islampur Sohna Road,
Gurgaon, Haryana - 122001

.... Respondent

Date of Institution of the Petition : 17.04.2026
Date of Pronouncement of Order : 20.07.2026

ORDER

1. Vide my present order, I shall decide the revision petition filed by the Revisionist/Complainant, HDFC Bank Ltd. (through its Authorized Representative Sh. Sandrabh Roy), assailing the impugned order dated 18.11.2025 passed by the Ld. Judicial Magistrate First Class, (NI Act) Digital

Court-02, South-West, Dwarka Courts, Delhi, whereby the complaint instituted under Section 25 of the Payments & Settlement Systems Act, 2007 came to be dismissed for non-prosecution on account of non-filing of Process Fee (PF).

2. The revisionist has challenged the legality, correctness and propriety of the impugned order dated 18.11.2025. Ld. Counsel for the revisionist has submitted that the respondent had availed a loan facility and towards discharge of the outstanding liability/EMIs, the respondent had executed an ECS/SI mandate in favour of the revisionist bank. Upon dishonour of the said mandate and after compliance with the statutory requirements, the complaint under Section 25 of the Payments & Settlement Systems Act, 2007 was filed before the Ld. Trial Court which was dismissed by the Ld. Trial Court vide the impugned order dated 18.11.2025.
3. Ld. Counsel for the revisionist contends that on 18.11.2025 counsel had appeared before the Ld. Trial Court and sought a short adjournment for filing the PF receipt, but the said request was not acceded to and the complaint was dismissed. It is urged that the non-filing of PF was neither intentional nor deliberate and that the revisionist undertakes to remain diligent in future. It is further submitted that grave and irreparable loss would be caused to the revisionist if the impugned order is not set aside, whereas no prejudice would be caused to the respondent if the complaint is restored. Accordingly, it is prayed that the impugned order 18.11.2025 passed by the Ld. Trial Court be set aside and opportunity be granted to the Revisionist/Complainant to

proceed ahead with the matter.

4. Perusal of the impugned order dated 18.11.2025 passed by the Ld. Trial Court reveals that the Ld. Trial Court observed that despite last and final opportunity granted to the complainant to file PF, yet steps were not taken for issuance of summons to the accused/respondent and accordingly concluded that no fruitful purpose would be served to keep the matter again and again for the same purpose, resulting in dismissal for non-prosecution.
5. Before examining the merits, it becomes necessary to consider whether notice to the respondent/proposed accused is required in the present revision. The legal position in this regard stands clarified by the *Hon'ble Delhi High Court in Hindustan Domestic Oil & Gas Co. (Bombay) Ltd. v. State & Anr. (Crl. M.C. 1737/2011 decided on 03.08.2012)*, wherein it was held that although Section 401(2) Cr.P.C. mandates that no order shall be made to the prejudice of the accused or other person without affording an opportunity of hearing, a distinction must be drawn between orders passed on merits and orders passed on purely procedural grounds. Where a complaint is dismissed on merits under Section 203 Cr.P.C., restoration in revision would prejudice the accused and notice is mandatory. However, where dismissal is purely for default, non-appearance or non-payment of process fee and no adjudication on merits has taken place, restoration does not amount to reversal of any substantive finding in favour of the accused and therefore, does not attract the mandatory requirement of notice under Section 401(2)

Cr.P.C.

6. In the present case, the complaint was dismissed solely for non-filing of PF and not on merits. There was no judicial determination on merits. Consequently, restoration of the complaint would not cause prejudice to the respondent and issuance of notice to the respondent as such is not mandatory in the facts and circumstances of the present case.
7. It is equally well settled that revisional jurisdiction under Section 397/399 Cr.P.C. (corresponding to Section 438/440 of the BNSS, 2023) is exercised to correct jurisdictional errors, material irregularities or patent illegality. Interference is warranted where the impugned order reflects arbitrary or improper exercise of judicial discretion resulting in miscarriage of justice.
8. In the present case, it is not in dispute that summons have been directed to be issued to the accused/respondent and the accused is yet to be served. However, on 18.11.2025, the complaint was dismissed for non-prosecution on account of non-filing of Process Fee (PF). Though it is evident that last and final opportunity had been granted by the Ld. Trial Court to the revisionist for filing of PF. However, it is also a matter of record that counsel for the revisionist/complainant appeared on the date of dismissal. Apparently, dismissal of a complaint for non-prosecution entails serious consequences for the complainant, particularly in proceedings under financial legislation. Courts should ordinarily lean in favour

of adjudication on merits rather than termination on technical grounds provided the conduct of the party does not disclose deliberate abandonment of proceedings.

9. The lapse in the present case on part of the revisionist pertains to non-filing of process fee, which is procedural in nature. While such negligence cannot be encouraged and judicial time cannot be allowed to be squandered on account of casual approach, there is nothing on record to conclusively indicate that the revisionist had consciously abandoned the complaint. The explanation offered cannot be said to be wholly implausible.

10. *In view of the foregoing discussion, this Court holds that the impugned order dated 18.11.2025 dismissing the complaint for non-prosecution deserves to be set aside in the interest of justice albeit subject to appropriate terms to ensure diligence on the part of the revisionist. Accordingly, the revision petition is allowed. The impugned order dated 18.11.2025 passed by the Ld. JMFC, South-West District, Dwarka Courts, Delhi is hereby set aside and the complaint filed under Section 25 of the Payments & Settlement Systems Act, 2007 is restored to its original number and position, subject to payment of costs of Rs. 1000/- to be deposited before the Ld. Trial Court. The revisionist shall file the requisite Process Fee within one week from the date of appearance before the Ld. Trial Court failing which no further opportunity shall be granted.*

Revisionist/Complainant should appear before the Ld. Trial

Court on **12.08.2026** whereupon the Ld. Trial Court shall proceed further with the matter in accordance with law. *Copy of this order along with the Trial Court Record, (if recieved), be sent back forthwith.*

The revision file be consigned to the Record Room after due compliance.

**Pronounced today
in the open Court on 20.07.2026.**

**(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka Courts/New Delhi**