

CC No. 883/2026
Mohit Maini Vs Prateek Arora

23.02.2026

Fresh complaint received by way of assignment through e-filing. Ahlmad is directed to check and registered.

Present: Sh. Kartikay Mittal, Ld. Counsel for the complainant through VC.

File perused. Printout of E - filing records, as mailed by the Ld. Counsel for the Complainant, has been taken and kept in the file.

The Hon'ble Supreme Court of India in its recent judgment in *Sanjabij Tari Vs. Kishore S. Borcar and another (Crl. Appeal No. 1755 of 2010)* held that there is no need to issue summons to accused at the pre cognizance stage in complaint cases u/s 138 NI Act. Accordingly, the requirement of service of notice on proposed accused at the pre cognizance stage is not needed anymore.

The present complaint has been filed u/s 138 NI Act. The complaint, documents and evidence by way of affidavit perused. I take cognizance of the said offence.

Arguments heard on summoning. Record perused.

On consideration of the complaint, annexed documents and verification affidavit of the complainant and in the light of the law lay down in *A.C. Narayan Vs. State of Maharashtra (2014) 11 SCC 790*, this court is of the opinion that the prima facie there are sufficient grounds for proceedings against the **accused no.2 only** for commission of offence u/s 138 NI Act. Since the accused no.1 is not the signatory no prima facie case is made out against him.

The complainant has filed the complaint within limitation period. In terms of inquiry conducted u/s 202 Cr.P.C., all the statutory requirement have been complied with.

Accordingly, let **accused no.2 only** be summoned on filing of PF/RC, speed post and through electronic mode/dasti as well for **16.05.2026**.

Complainant is directed to file **PF alongwith the copy of complaint** and take steps within 15 days.

As per the guideline laid down in the case titled **Damodar S. Prabhu Vs. Sayyed Baba Lal H.** reported in (2010) 5 SCC 663, Ahlmad is directed to make a mention in the summons issued 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”.

Put up for appearance of the **accused no.2 only** / furnishing of bail bonds / framing of notice on **16.05.2026**.

(TANMAY BATHAM)
JMFC (NI ACT)-03 (West)
THC, Delhi /23.02.2026