

6 CC NI ACT / 1157/2025 M/s Primco Industries Private Limited Vs.
Ranjan Kumar Sahoo /0 (Vivek Vihar)

25.06.2026

Present: Ld. Counsel for complainant through (VC).

Present is a complaint u/s 138 NI Act.

Arguments on point of summoning heard.

1. Entire record including the complaint and the annexed documents perused thoroughly. It is alleged that accused has issued the cheque in question bearing no. 230174 for Rs. 7,832.50/- (Rs. Seven Thousand Eight Hundred Thirty Two and 50 paise) dated 19.04.2025 to the complainant in discharge of liability. On presentation, the same got dishonored vide return memo dated 21.04.2025 for the cheque in question with reasons ***“Account closed”***. Thereafter, demand notice dated 13.05.2025 was sent to the accused by the complainant. Despite service/deemed service of said notice, accused has failed to make the payment within 15 days as per provisions of the Negotiable Instruments Act, 1881.

2. I have perused the complaint and the evidence by way of affidavit of the complainant and the documents relied upon by the complainant. The present complaint had been filed within limitation and within the jurisdiction of this Court.

3. As per the judgment delivered by the Hon'ble Supreme Court in the case of ***A.C. Narayanan vs. State of Maharashtra (2014) 11 SCC 790*** whereby it was 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. vs. Union of India (2014) 5 SCC 590 and Rajesh Agarwal vs. State (2010) 171 DLT 51.

4. In view of the above judgment, this Court is of the opinion that there is no need to examine the complainant for the purpose of issuance of process. 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. In terms of inquiry conducted under Section 202 CrPC, 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. I hereby take cognizance of the offence u/s 138 NI Act.

5. Let accused be summoned on filing of PF within 15 days and through all permissible mode (RC/ Speed Post/ approved Courier/Email) for **13.10.2026**.

(Shorter date is not possible due to heavy pendency in this Court.)

6. Complainant is directed to file the tracking report on record on NDOH.

7. As per the guidelines laid down as in the case titled as "Damodar S. Prabhu Vs. Sayed Babalal H", AIR2010(SC) 1907, Ahlmad is directed to make a mention on the summons issued against the accused (by adding separate sheet, if required) 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 costs on the accused."

8. Since the matter is compoundable in nature, list the matter for disposal in Lok Adalat on **12.09.2026** and if not settled on **13.10.2026**.

(Anushtha Srivastava)
Judicial Magistrate First Class-05
Shahdara, Karkardooma, Delhi
25.06.2026