

33 CC NI ACT / 5968/2025

M/S DHAN SANCHAI SOCIETY Vs. SEEMA /0 (KALKAJI)

06.02.2026

Present : Mr. Arpan Shukla, Mr. Gaurav Singh and Ms. Khushboo, Ld. counsel for complainant.

The matter is listed for arguments of summoning.

E-filing history filed by the complainant.

In view of the judgment of Hon'ble Supreme Court Crl. Appeal No. 1755/2010 titled as Sanjabij Tari vs. Kishore S. Borcar & Anr. 2025 INSC 1158, requirement of issuing notice and hearing the proposed accused u/s. 223 BNSS, is hereby, dispensed with.

Complainant is thus, at liberty to address arguments on summoning.

Arguments heard. Record Perused.

I hereby take the cognizance for the offence punishable u/s. 138 of NI Act.

Complainant has tendered the evidence i.e. PSE by way of an affidavit. Complaint, affidavit of evidence and other annexed documents perused.

Following the law laid down in A. C. Narayanan Vs. State of Maharashtra & Anr.” (2014) 11 SCC 790, complaint, affidavit of evidence and documents considered. In view of complaint, documents produced and verification in the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused for offence punishable under Section 138 N. I. Act.

Hence, issue summons against the accused on filing of PF within 4 weeks through all permissible modes on P.F./R.C./Approved Courier. The process server is directed to serve the summons by way of affixation, if premises found closed or same could not be served personally or on any adult male member.

As per the guideline laid in the case title Damodar S.Prabhu Vs Sayyed Baba Lal H. reported in (2010) 5 SCC 663 and the guidelines laid down by Hon'ble Supreme Court in Crl. Appeal No. 1755/2010 titled as Sanjabij Tari vs. Kishore S. Borcar & Anr. 2025 INSC 1158, 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."

Further, in view of the guidelines laid down by Hon'ble Supreme Court in Crl. Appeal No. 1755/2010 titled as Sanjabij Tari vs. Kishore S. Borcar & Anr. 2025 INSC 1158, complainant is liberty to serve the summons on the accused through other modes including electronic mode (e-mail/whatsapp/ messaging applications and file affidavit of service). Complainant is also at liberty to serve the summons through dasti mode.

Considering the amount in cheque in question, it appears that there is a scope of settlement between the parties,

therefore present matter is referred to upcoming Lok Adalat which is scheduled for **14.03.2026**.

Let the Court Notice be issued to the **accused** for appearance before Lok Adalat for **14.03.2026 at 10.00 AM**.

It is further clarified that in case the present case is not settled either due to non-appearance or for other reasons, then the matter will be restored back for the purpose fixed on **12.08.2026**.

Ahlmad is directed to send the file complete in all respects.

*Dasti copy be given to **counsel of the complainant** for service on accused.*

(Shubhangi Srivastava)
JMFC-05 (NI ACT)/South-East
Saket Courts, Delhi/06.02.2026