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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CRL.M.C. 265/2022

NAVEEN KUMAR GUPTA ..... Petitioner

Through: Mr. Pradeep Rana, Mr. Ravin Rao and Mr. Inderpreet Singh, Adv. with petitioner in person.

versus

STATE & ORS. ..... Respondent

Through: Ms. Rajni Gupta, APP for the State. Mr. Sunil Aggarwal, Sr. St. counsel, Mr. Tushar Gupta, Jr. St. Counsel and Mr. Samarth Chaudhari, Adv. for R-4. (proforma party Income Tax)

CORAM:
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **18.01.2022**

CRL.M.A. 1062/2022 (exemption)

Exemption allowed, subject to just exceptions.

The application stands disposed of.

CRL.M.C. 265/2022 & CRL.M.A. 1061/2022 (interim relief)

1. By virtue of this petition petitioner is seeking quashing of complaint case no. 56702/2016 under Section 138 of NI Act.

2. It is submitted by the counsel for the petitioner that in the year 2009-2010 petitioner was engaged in trading of shares and commodity market and he stated giving services as agent to Naresh Jain and Anand Jain for their shares and accommodation entries business. He further submitted that in the

year 2014 Naresh Jain and Anand Jain approached the petitioner for partnership in trading business, and in the month of March 2015 petitioner came to know that Naresh and Anand Jain are running an illegal business through several fictitious companies and started to unearth their scams. He further submitted that they started threatening the petitioner, and on 22.3.2015, they forcefully took 14 signed cheques from the petitioner. He further submitted that 15.6.2015, petitioner gave a written complaint to the SHO P.S-Sector-7 Rohini. He further submitted that a PCR call was made when the cheques were forcefully taken from him in the month of March 2015. Counsel for the petitioner submitted that respondents thereafter filed a false and frivolous complaint under Section 138 of NI Act. He further submitted that on 26.5.2016 an FIR bearing no. 69/2016 was registered, and after conclusion of the investigation chargesheet has been filed against the respondents by the EOW in the court of learned MM. He further submitted that EOW has filed the chargesheet and there is a report from the Income Tax Department that all the companies run by the respondents are sham companies and no transaction has taken place with the petitioner.

3. It is submitted by the counsel for the petitioner that yesterday he has filed amended memo of parties, but the same is not on record. Registry is directed to ensure that the same is placed on record on or before the next date of hearing. Copy of the amended memo of parties be also supplied to learned APP for the State, who appears on advance notice.

4. In view of this, as per the amended memo of parties, issue notice to the contesting respondents by all possible modes on the petitioner taking the

necessary steps, returnable on 8th April, 2022.

5. Till then, proceedings before the trial court shall remain stayed.

RAJNISH BHATNAGAR, J

JANUARY 18, 2022
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