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

+ **CRL.M.C. 999/2026, CRL.M.A. 3914/2026**

R. SRINIVASAN

.....Petitioner

Through: Mr. K.M. Vignesh Ram and Ms.
Akshita Agarwal, Advocates.

versus

NISHTHA JOSHI

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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05.02.2026

CRL.M.A. 3913/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

CRL.M.C. 999/2026

CRL.M.A. 3914/2026 (stay)

By way of the present petition filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks setting-aside of impugned order dated 30.01.2026 passed by the learned Judicial Magistrate First Class (NI Act)-03, Patiala House Courts, New Delhi in case bearing CC No.24283/2024, whereby the petitioner's application seeking cancellation of Non-Bailable Warrants ('NBWs') issued against him *vide* order dated 19.01.2026 passed by the learned Magistrate has been dismissed.



2. Ms. Akshita Agarwal, learned counsel appearing for the petitioner submits, that the petitioner had duly entered appearance upon receipt of summons in proceedings arising from a complaint under section 138 of the Negotiable Instruments Act, 1881; but on certain subsequent dates, the petitioner was unable to remain physically present in court since he is ordinarily a resident of Pondicherry and suffers from certain health issues and cannot tolerate the cold weather and pollution prevailing in Delhi.
3. Learned counsel submits, that as would be seen from order dated 30.01.2026 passed by the learned Magistrate, learned counsel for the petitioner was duly present on behalf of the petitioner; and, though it is not so recorded in the order, even the petitioner had joined the proceedings *via* video-conferencing. However, the learned Magistrate demanded that the petitioner should have remained physically present in court since explicit directions to that effect had been issued by way of order dated 29.11.2025 passed by the learned Magistrate.
4. Ms. Agarwal submits, that other things apart, the petitioner is willing to settle the matter by paying the entire amount contained in the subject cheque to the respondent.
5. Issue notice.
6. Upon the petitioner taking requisite steps, let notice be sent to the respondent by all permissible modes, returnable for the next date.
7. Learned counsel for the petitioner has shown to the court a demand draft in the sum of Rs.31,500/-, which is stated to be the amount of the subject cheque dated 08.02.2026.



8. On a *prima-facie* view of the matter, in light of the statement and submissions made by learned counsel appearing on behalf of the petitioner, the effect and operation of the impugned order dated 30.01.2026 passed by the learned Magistrate is *stayed*, till the next date of hearing before this court.
9. It is clarified that no NBWs or process issued, shall be executed against the petitioner till the next date of hearing before this court.
10. No reply is called-for at this stage.
11. Re-notify on 25th March 2026.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 5, 2026/ak