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

+ **CRL.M.C. 2381/2024**

**SANJAY BANSAL**

..... Petitioner

Through: Mr Pankaj Gupta and Mrs Rimp  
Gupta, Advocates.

versus

**SUKHVINDER SINGH**

..... Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

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**22.03.2024**

**CRL.M.A. 9150/2024**

1. Allowed, subject to all just exceptions.

**CRL.M.C. 2381/2024 & CRL.M.A. 9149/2024**

2. The present petition has been filed seeking quashing of the criminal complaint filed under Section 138 of the NI Act registered as CC No.1678/2022 tilted as 'Sukhvinder Singh vs. Global Sales India and Others' pending in the court of learned Metropolitan Magistrate (NI Act), Digital Court-01, West, Tis Hazari Courts, Delhi.

3. Learned counsel for the petitioner submits that the cheque in question has been issued by the partnership firm and the same has been signed by the accused no.2 and not by the accused no.3, who is the present petitioner. He submits that the petitioner was only a sleeping partner and no specific role has been assigned to him in the complaint.



4. He submits that the two cheques in question came to be dishonoured on 25.11.2021 and 31.11.2021 whereas the demand notice in terms of proviso (b) to Section 138 of the NI Act was issued only on 11.04.2022.

5. According to the learned counsel though the complainant is entitled to the benefit of the Covid period in view of the order of the Hon'ble Supreme Court dated 10.01.2022 passed in *suo moto* Writ Petition (C) 3/2020 but the said order excludes the period from 15.03.2020 till 28.02.2022. The submission is that even after the exclusion of said period, the demand notice issued is not within the statutory period of 30 days as prescribed under the aforesaid proviso to Section 138 of the NI Act.

6. He further submits that even recovery suit premised on the same cheques has been instituted by the respondent and in the said suit also the present petitioner has not been arrayed as a defendant.

7. In view of the above, issue notice to the respondent through all permissible modes, returnable on 09.08.2024.

8. Having regard to the submissions made by the learned counsel for the petitioner, which *prima facie* appears to have substance, the proceedings of No.1678/2022 tilted as 'Sukhvinder Singh vs. Global Sales India and Others' pending in the court of learned Metropolitan Magistrate (NI Act), Digital Court-01, West, Tis Hazari Courts, Delhi qua the petitioner, are stayed till the next date.

9. Re-notify on 09.08.2024.

**VIKAS MAHAJAN, J**

**MARCH 22, 2024/MK**