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

+ **CRL.M.C. 2674/2025**

AMBER JAISWAL

.....Petitioner

Through: *Appearance not given.*

versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: **Mr. Digam Singh Dagar, APP for State.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **22.04.2025**

CRL.M.A. 11982/2025 (for exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

CRL.M.C. 2674/2025 & CRL.M.A. 11981/2025 (for interim relief)

4. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1972²) seeks quashing of criminal complaint bearing No. CC NI ACT/2078/2023, registered *inter alia* against the Petitioner under Sections 138 and 142 of Negotiable Instruments Act, 1881³ and Section 420 of the

¹ "BNSS"

² "CrPC"

³ "NI Act"



Indian Penal Code,⁴ registered at P.S. Preet Vihar. He also seeks quashing of the summoning order dated 13th May 2024 passed by the court of Metropolitan Magistrate (NI Act), East, Karkardooma Courts, Delhi.

5. The aforementioned complaint pertains to three cheques: (a) Cheque No. 082645 dated 28th February, 2023 for INR 10 lakhs; (b) Cheque No. 082646 dated 1st March, 2023 for INR 10 lakhs and (c) Cheque No. 082647 dated 4th March, 2023 for INR 10 lakhs. It is alleged that these cheques were issued from the Petitioner's account in favour of the Complainant's firm, as part payment towards the debt owed to them. However, upon presentation, these cheques were dishonoured, and returned with the remarks "*Drawers' signature differs*". Consequently, the Complainant issued a statutory legal notice under Section 138 NI Act on 1st April, 2023, calling upon the accused, including the Petitioner, to make payments of the dishonoured cheques within the stipulated period.

6. Counsel for the Petitioner states that this notice was served upon the Petitioner on 2nd April, 2023. Accordingly, the statutory period of 15 days for making payment under Section 138(c) NI Act, excluding the date of service, expired on 17th April 2023. In terms of Section 142(1)(b), the Complainant was required to file the complaint within one month from the date on which the cause of action arose, *i.e.*, upon the Petitioner's failure to make the payment within the stipulated period. Therefore, the limitation period of for filing the complaint lapsed on 16th May 2023. However, as per the case history available on the e-filing portal, the complaint was filed only on 31st May 2023, which is beyond the prescribed period of limitation.

7. It is further submitted that although the proviso to Section 142(1)(b)

⁴ "IPC"



of the NI Act entitles the Court to condone delay and take cognizance of a complaint filed beyond the prescribed period, such discretion can be exercised only if the Complainant demonstrates sufficient cause for not filing the complaint within the stipulated time. It is contended that this condition remains unfulfilled in the present case as *firstly*, no application seeking condonation of delay was filed along with the complaint; and *secondly*, the complaint itself does not contain any submission to that effect and, on the contrary, proceeds on the premise that it has been filed within the limitation period.

8. Issue notice. Mr. Digam Singh Dagar, APP for the State, accepts notice on behalf of Respondent No. 1. Reply/ status report be filed within four weeks from today. Issue notice to Respondent No. 2, upon filing of process fee, by all permissible modes, returnable before the next date of hearing.

9. In light of the arguments advanced by the Petitioner, till the next date of hearing, the proceedings *qua* the Petitioner in the case bearing CC NI Act No. 2078/2023 shall remain stayed.

10. List on 30th July, 2025.

SANJEEV NARULA, J

APRIL 22, 2025

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