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

+ **CRL.M.C. 5275/2024**

UMA MAWANDIAPetitioner

Through: Mr. Uday Kumar, Adv.

versus

ANIL KUMAR SADHRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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12.07.2024

CRL.M.A. 20156/2024 (*exemption from filing the certified copy / typed copy / original of the annexures*)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 5275/2024 & CRL.M.A. 20155/2024 (*stay*)

3. The present petition is filed essentially for quashing of Complaint Case No. 1680/2023 filed by the respondent for offence under Section 138 of the Negotiable Instruments Act, 1881.
4. The learned counsel for the petitioner submits that even as per the allegations, money was allegedly lent by the complainant on 10.10.2017.
5. He submits that the cheque in question, even as per the case of the complainant, is dated 10.10.2022.
6. He submits that it is settled law that the proceedings under Section 138 of the NI Act cannot be initiated for a time-barred debt.
7. He relies upon the judgment of a Coordinate Bench of this



court in the case of *M/s. Vijay Polymers Pvt. Ltd. & Anr. v. M/s. Vinnay Aggarwal* : 2009:DHC:1667.



8. Issue notice. Notice be served through all permissible modes, returnable on 14.10.2024.

9. The learned Trial Court is directed not to proceed further in Complaint Case No. 1680/2023 till the next date of hearing.

AMIT MAHAJAN, J

JULY 12, 2024

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