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

+ CRL.M.C. 3445/2021

ABHISHEK JAITELY

..... Petitioner

Through: Mr. Vidur Mohan, Ms. Tishya Saran
& Mr. Aakash Chatterjee, Advocates.

versus

STATE OF NCT DELHI & ANR.

..... Respondents

Through: Mr. Izhar Ahmad, APP for State.
None for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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22.12.2021

CRL.M.A.20672/2021(Exemption)

Exemption allowed, subject to all just exceptions.

The application is disposed of accordingly.

CRL.M.C. 3445/2021 & CRL.M.A. 20671/2021

The petitioner vide the present petition assails the impugned order dated 02.11.2021 of the Court of the learned MM, South West, Dwarka, in Complaint Case No.4991774/16, apart from seeking the quashing of the complaint itself, submitting *inter alia* to the effect that in view of the statement dated 29.05.2019 of the principal borrower Mr. Nitin Mehta, wherein he has stated to the effect:-

"I am the principle borrower in the present matter and I have settled the matter with the complainant pursuant to mediation settlement dated 26.09.2018 in amount of Rs.2,96,856/-. Due to

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unforeseen financial crisis, I could not make the requisite payments. I undertake to make a payment of Rs.20,000/- on the NDOH i.e. 26.06.2019 and thereafter will pay Rs.50,000/- starting from the month of August. 2019 and thereafter I will pay the entire amount.”,

the petitioner cannot be prosecuted any further in relation to C.C. No. 4991774/16 with reliance, inter alia, placed on the verdicts in “***Adalat Prasad v. Rooplal Jindal & Ors., (2004) 7 SCC 338, Gimpex Private Limited v. Manoj Goel, (2021) SCC Online SC 925, Dashrath Roopsingh Rathod v. State of Maharashtra, reported at (2014) 9 SCC 149, Jagdeep Singh v. Ramesh Singh 2019 SCC Online HP 3052 and Suo Moto Writ Petition No.2 of 2020.***” Additional submissions have been made on behalf of the petitioner.

Notice of the petition and the accompanying application, Crl.M.A. 20671/2021, be issued to the respondents on taking of steps by the petitioner returnable for the date 01.02.2022, till which date, the proceedings before the learned Trial Court are stayed.

The Trial Court Record in the e-form be requisitioned for the next date of hearing.

The matter is re-notified for 01.02.2022.

ANU MALHOTRA, J

DECEMBER 22, 2021
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