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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6623/2022 & CRL.M.A. 25805/2022**

MUKUND CHOUDHARY Petitioner
Through: Ms. Purti Gupta, Ms. H. George and
Ms. Shivani Sharma, Advocates.
versus
INDO RAMA SYNTHETICS (INDIA) LIMITED Respondent
Through: Counsel (appearance not given)

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
09.12.2022

CRL.M.A. 25806/2022 (Exemption)

1. Allowed, subject to all just exceptions

CRL.M.C. 6623/2022

1. This petition has been filed for quashing of criminal complainant No. 6959/2020 filed by the respondent against the petitioner under Section 138 of the NI Act pending before the Ld. MM Rouse Avenue Courts, New Delhi on the ground that the petitioner is the director of the company CLC Industries Ltd and a cheque of Rs. 39,63,000/- lacs had been issued dated 11th November, 2019. Thereafter, on 03rd January, 2020, Corporate Insolvency Resolution Petition was admitted and a moratorium was triggered consequently by order of the National Company Law Tribunal (NCLT), New Delhi. Soon thereafter a cheque in question was presented by the respondents and as a result of it being dishonoured (vide return memo dated 05th February, 2020), this complainant case was filed. Further, on 26th March, 2021, the said petitioner filed for personal insolvency proceedings under Section 94 of the



Insolvency and Bankruptcy Code (IBC) and by an order dated 08th April, 2021, the NCLT Delhi directed interim moratorium under Section 96 IBC. It is the contention of the learned counsel for the petitioner that as per Section 96(b) IBC during the interim moratorium period “*any legal action or proceedings pending in respect of any debt shall be deemed to have been stayed*” and therefore these proceedings pursuant to the criminal complaint be accordingly stayed.

2. Learned counsel for the petitioner also points out order dated 02nd September, 2022 of this Court in CRL.M.C. 4265/2022 (*Manish Jain v. Indian Renewal Energy Development Agency Ltd*) by which in a similar situation proceedings before the learned Trial Court had been stayed placing reliance on the decision of the Hon’ble Supreme Court in *P. Mohanraj v. Shah Bros. Ispat (P) Ltd.*, (2021) 6 SCC 258.

3. Notice be issued to the respondent by all permissible modes including, speed post, courier as well as through all electronic modes including email and Whatsapp returnable on 27th March, 2023.

CRL.M.A. 25805/2022

1. This application is for stay of proceedings arising out of CC No. 6959/2020 pending before the Ld. MM, Rouse Avenue Courts, New Delhi.

2. In the light of the facts and circumstances stated in the order above, further proceedings in the said matter are stayed till the next date of hearing.

3. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 9, 2022/rk