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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6613/2024, CRL.M.A. 25250/2024 & CRL.M.A. 25251/2024**
MR FAIZALPetitioner

Through: Mr. B. Karunakaran, Mr. S. Angalagan, Mr. V. M. Eashwar, Mr. P. Shankar, Mrs. J. Lavan Devi, Mr. S. Ajith Williyam, Mr. P. Vinoth, Advs.

versus

SH SAURABH SETHIRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
23.08.2024

CRL.M.A. 25250/2024 (Exemption)

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of, accordingly.

CRL.M.C. 6613/2024 along with CRL.M.A. 25251/2024 (For stay)

1. This petition has been filed seeking quashing of CC No.8029/2023 under Section 138 of the NI Act before the CMM, Central, Tis Hazari Courts and subsequent summons dated 01st May, 2024.
2. Counsel for the petitioner points out that the original complaint was filed relating to cheques proclaimed to Rs.18,35,914/- on 13th October, 2023. Subsequently, an amount of Rs.6,75,000/- had been paid by the petitioner/accused from 13th September, 2023 till 05th October, 2023 in the period before the complaint had been filed.



3. Subsequently, therefore, an amended complaint had been filed by the complainant admitting the receipt of Rs.6,75,000/- which aspect had been taken into account by the MM on 15th January, 2024. However, summons have been issued subsequently.
4. Counsel for the petitioner states that pursuant to part payment of the original cheque amount, the offence under Section 138 of the NI Act may not sustain. However, in order to express their *bona fides*, they are willing to deposit the balance amount of Rs.11,60,914/- before the Registrar General of this Court within a period of 4 weeks.
5. Subject to the deposit being made, there shall be stay on the further proceedings before the Trial Court.
6. Accordingly, issue notice to the respondents on steps being taken by the petitioner through all permissible modes including email.
7. List on 25th November, 2024.
8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 23, 2024/MK