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

+ CRL.M.C. 5586/2025

KUNAL JIWARAJKA

.....Petitioner

Through: Mr. Narender Singh Yadav and Mr.
Manu Prakash Upadhyay, Advocates.

versus

STATE N.C.T. OF DELHI & ANR.Respondents

Through: Mr. Hitesh Vali, APP.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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14.08.2025

CRL.M.A. 23983/2025 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CRL.M.C. 5586/2025 & CRL.M.A. 23982/2025 (stay)

1. This is a petition under Section 528 BNSS, 2023, praying for quashing of summoning order dated 13.04.2022, passed by the Court of learned Metropolitan Magistrate in Complaint Case No. 2475/2022, titled as, "Orix Leasing & Financial Services India Ltd vs. M/S JSK Marketing Limited", filed by respondent No. 2 under Section 138 NI Act.
2. Learned counsel appearing for the petitioner submits that on the alleged date of issuance of cheques i.e. 01.10.2021, the petitioner was not the director of the Company since a moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016 ["IBC"] had already commenced



pursuant to the order dated 23.09.2019, passed by the National Company Law Tribunal, Mumbai, under Section 7 of IBC.

3. It is submitted that Corporate Insolvency Resolution Process [“CIRP”], stood initiated and all the affairs and management of corporate debtor were taken over by the Interim Resolution Professional.

4. It is further submitted that despite having knowledge of the subsisting moratorium, respondent No. 2 proceeded to file a complaint under Section 138 NI Act, which is not maintainable in law.

5. Issue notice to the respondents. Learned APP appearing for the State accepts notice. Notice is issued to respondent No. 2 through all permissible modes, subject to petitioner taking requisite steps, returnable on 03.02.2026.

RAVINDER DUDEJA, J

AUGUST 14, 2025/vd/sk