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

+ **CRL.M.C. 5655/2025**

M/S IMPERIA STRUCTURES LTD & ORS.Petitioners

Through: Counsel for petitioners (*appearance not given*).

versus

CHANDLER SHEKHARRespondent

Through: Mr. Jagjit Singh, Advocate (*through videoconferencing*).

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **18.08.2025**

CRL.M.A. 24211/2025 & CRL.M.A. 24212/2025 (exemption)

1. Allowed, subject to all just exceptions.

CRL.M.A. 24213/2025 (stay) & CRL.M.A. 24214/2025 (exemption from physical appearance)

2. The petitioners seek quashing of order dated 01.11.2023 of the learned trial magistrate whereby the petitioners were summoned to face trial under Section 138 Negotiable Instruments Act. Petitioners also seek imposition of cost of Rs. 2,00,000/- on the respondent for pursuing the subject complaint case.

3. Learned senior counsel for petitioners contends that the impugned order is not sustainable because the complaint case was time barred and the matter already stood compromised between the parties.

4. Learned counsel for respondent appearing on advance intimation



accepts notice and submits that the complaint case was filed within time prescribed by law and there was no settlement as alleged.

5. Broadly speaking, it appears that a settlement agreement dated 07.02.2021 was arrived at between the present petitioner no.1 and the respondent pertaining to certain disputes and the last cheque of part payment got dishonoured on 10.09.2022 for want of funds to the credit of petitioner no.1 in its bank account. The case setup by the petitioners is that in the course of execution proceedings arising out of civil dispute, petitioners paid the amount in question by way of a demand draft dated 24.05.2024, therefore, the subject complaint case cannot proceed further.

6. Learned senior counsel for petitioners also submits that at least personal presence of the petitioners may be dispensed with before the trial court. But this is strongly opposed by learned counsel for respondent on the ground that the petitioners have not been appearing before the trial court despite repeated directions. In any case, I am of the view that it is for the trial court in the first instance to decide on the issue of personal exemption.

7. So far as the issue of settlement is concerned, admittedly, after completion of offence, no compounding has been carried out. So far as the issue of limitation is concerned, digitized record of trial court be requisitioned.

8. Relist on 24.11.2025.

GIRISH KATHPALIA, J

AUGUST 18, 2025/dr