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

+ **CRL.M.C. 8094/2024, CRL.M.A. 30958/2024**

**ADARSH GUPTA & ANR.**

.....Petitioners

Through: **Mr.Vaibhav Dubey and Mr.Nishant Gupta, advts.**

versus

**MAURIA UDYOG LTD.**

.....Respondent

Through:

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**ORDER**

% **15.10.2024**

**CRL.M.A. 30959/2024 (exemption)**

Exemption is allowed, subject to all just exceptions.

The application stands disposed of.

**CRL.M.C. 8094/2024**

The present petition has been filed under Section 528 of the Bhartiya Nagarik Suraksha Sanidta, 2023 (read with the enabling provision of the old Section 482 of the Cr.P.C.) seeking to set aside the order dated 08.04.2022 and quash the complaint case bearing No. 5056 of 2020 for offenses under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881, which is pending in the Court of the learned JMFC-02/NI Act, South District, Saket District Courts, along with all consequential proceedings arising therefrom.

It has been submitted that, as per the order sheet dated 04.06.2024, learned counsel for the complainant stated before the learned trial court that the entire payment had been received, and the matter was adjourned to



07.06.2024 for withdrawal. On 07.06.2024, at the first call, the authorized representative of the complainant also stated that the entire payment had been received; however, during the second call, learned counsel for the complainant indicated that the full amount of the cheque in question had been received from the accused. Nevertheless, there was no settlement agreement, and the accused made the payment unilaterally. Learned counsel submits that it was recorded that, despite receiving the entire amount of the cheque in question, the complainant did not wish to withdraw the matter and insisted on punishment. Furthermore, learned counsel submits that the continuation of the complaint would be an abuse of the process of law.

Issue notice to the respondent through all permissible modes, returnable for 18.12.2024.

**CRL.M.A. 30958/2024 (stay)**

The present application has been filed for a stay of the proceedings before the learned trial court. Learned counsel for the petitioner submits that it has been recorded in the order sheet of the learned trial court that the complainant/respondent has already received the entire payment, and therefore, the continuation of the proceedings would result in a miscarriage of justice.

Issue notice to the respondent through all permissible modes, returnable by 18.12.2024. Meanwhile, the proceedings before the learned trial court shall remain stayed in light of the submissions made.

**DINESH KUMAR SHARMA, J**

**OCTOBER 15, 2024**

rb/na