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

+ **CRL.M.C. 9209/2025**

MANU ELECTRICALS PVT LTD & ORS.Petitioners

Through: Mr. Sanjay Agarwal, Ms. Esha Sharma, Ms. Mahek Verma, Ms. Shikha Saloni and Mr. Kunal Tyagi, Advocates.

versus

SURAJ CABLES

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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23.12.2025

CRL.M.A. 38476/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 9209/2025 and CRL.M.A. 38475/2025

3. The present petition has been filed by the petitioners assailing the order dated 29.11.2025 passed in Crl. Rev. Pet. 538/2025 whereby, the learned Additional Sessions Judge-05, Central District, Tis Hazari Courts, Delhi dismissed the criminal revision of the petitioners. The said revision had been preferred by the petitioners against the order dated 05.02.2024 passed in CC No. 244/2024 passed by the learned Metropolitan Magistrate-05 (NI Act), Central District, Tis Hazari Courts, Delhi whereby the petitioners were summoned to stand the trial under Section 138 of the Negotiable Instruments Act, 1881 (NI Act).

4. Mr. Sanjay Aggarwal, learned counsel appearing on behalf of the petitioners submits that the total amount due and payable to the complainant as per the performa invoice relied upon by the respondent/complainant was



to the extent of Rs.33,87,789/-, however, the cheque is for an amount of Rs.41,84,280/-. Again referring to the performa invoice, he submits that out of the total invoice value of Rs.41,84,280/-, the petitioners had paid an advance amount of Rs.7,96,491/-.

5. He further refers to the statement of account at page 81 of the paper book to contend that the total amount which is claimed to be due and payable is to the tune of Rs.32,43,562/-, which is also subject to other issues of short supply and damaged supplies.

6. He submits that since the amount due and payable as per the complainant was lesser than the amount of the cheque, therefore the said cheque could not have been presented by the complainant without making endorsement on the cheque, in terms of Section 56 of the NI Act. In that regard, Mr. Aggarwal places reliance on the decision of the Hon'ble Supreme Court in ***Dashrathbhai Trikambhai Patel V. Hiten Mahendrabhai Patel & Anr., (2023) 1 SCC 578.***

7. He further contends that the complaint itself is barred by limitation. Elaborating on his submission, he submits that the cheque in question was presented on three different occasions. To buttress his contention, he has invited attention of the Court to page 87 of the paper book, wherefrom it is borne out that the cheque was presented thrice and the same was returned unpaid under the cheque return memos dated 11.04.2023, 26.05.2023 and 04.07.2023.

8. He submits that each time the cheque was returned unpaid, the same was followed by a demand of cheque amount made by the complainant in terms of Section 138 of NI Act. To substantiate his submission, attention of the Court has been invited to the demand of cheque amount made by the



complainant vide its e-mail dated 17.04.2023 and 30.05.2023, as well as, the legal notice dated 12.07.2023 which corresponds to the aforesaid three cheque return memos, respectively.

9. He submits that once the demand was made on 17.04.2023 pursuant to the cheque return memo dated 11.04.2023, the cause of action in terms of Section 138 of NI Act had arisen after the expiry of fifteen days from the receipt of demand notice, and thereafter the limitation for filing complaint had started running. Therefore, the cheque could not have been presented again on subsequent occasions.

10. He further submits that complaint which has been filed is premised on the third cheque return memo dated 12.07.2023, and the same is not maintainable.

11. In view of the above, issue notice to the respondent by all permissible modes. Reply, if any, be filed within three weeks. Rejoinder thereto be filed before the next date of hearing.

12. Re-notify on 29.04.2026

13. In the meanwhile, having regard to the submissions of Mr. Agarwal, which *prima facie* appears to have substance, proceedings of the complaint being CC No. 244/2024 pending before the learned MM (05)-NI Act, Central District, Tis Hazari Courts, Delhi shall remain stayed.

VIKAS MAHAJAN, J

DECEMBER 23, 2025/jg