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

+ CRL.M.C. 39/2026 & CRL.M.A. 117/2026

PRAMOD GOEL

.....Petitioner

Through: Mr. Nishank Tyagi, Advocate.

versus

SHIBY ALEX

.....Respondent

Through: None.

+ CRL.M.C. 40/2026 & CRL.M.A. 121/2026

PRAMOD GOEL

.....Petitioner

Through: Mr. Nishank Tyagi, Advocate.

versus

HUBERTO DAS

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.01.2026**

CRL.M.A. 114-116/2026 & CRL.M.A. 118-120 /2026 (for exemption)

Exemption allowed, subject to all just exceptions.

The applications stand disposed of.

CRL.M.C. 39/2026 & CRL.M.A. 117/2026 (stay)

CRL.M.C. 40/2026 & CRL.M.A. 121/2026 (stay)

1. The petitioner seeks quashing of a summoning order dated 07.12.2019, passed by the learned Metropolitan Magistrate in Complaint Case Nos. 5126/2019 and 5129/2019, filed under Section 138 of the Negotiable Instruments Act, 1881.



2. The principal ground urged by Mr. Nishank Tyagi, learned counsel for the petitioner, is that the cheques in question were drawn on the account of a company, namely Indirapuram Habitat Centre Private Limited, of which the petitioner was the Managing Director and also the authorised signatory. It is submitted that prior to dishonour of the cheques, the said company had been subjected to insolvency proceedings under the Insolvency and Bankruptcy Code, 2016 [“IBC”].
3. In this regard, Mr. Tyagi draws my attention to the order dated 22.08.2019 passed by the National Company Law Tribunal, whereby Corporate Insolvency Resolution Proceedings were admitted, an Interim Resolution Professional was appointed, and a moratorium was imposed in terms of Section 14 of the IBC. He further points out that the cheques in question were dishonoured only thereafter, i.e. on 24.09.2019.
4. Mr. Tyagi relies upon the judgment of the Supreme Court in *Vishnoo Mittal v. Shakti Trading Co.* [(2025) 9 SCC 417], wherein, in similar circumstances, the Supreme Court observed that the continuation of criminal proceedings was not sustainable, and that the same ought to have been quashed.
5. Issue notice. Notice be served upon the respondents by all permissible modes, including through learned counsel appeal on their behalf before the Trial Court. Replies may be filed within two weeks from today.
6. List on 23.01.2026.

PRATEEK JALAN, J

JANUARY 5, 2026/SS/SD/