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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 2091/2011

AGRAWAL POLYFIL P.LTD.

Through

..... Petitioner

Mr. Girish Chandra and Mr. T.K. Tiwari,
Advocates

versus

QUIPPO ENERGY P.LTD.

Through

None

..... Respondent

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

% 31.10.2011

Learned counsel for the petitioner has been heard at length. Later on, it is informed that even steps for service of the respondents were not taken by the petitioner. Since the matter has been heard at length on merits, I proceed to dispose of the petition. The challenge is to the impugned order dated 5th June, 2010 passed by learned Metropolitan Magistrate whereby cognizance was taken and summons were directed to be issued against the petitioner under Sec. 138 of the Negotiable Instruments Act. Learned counsel has taken me through various documents of transaction between the petitioner and respondents. The impugned order was passed by the learned MM based on the evidence as tendered by the complainant by way of affidavit.

I have seen no illegality or impropriety in the impugned order in as much as vide impugned order, the MM was of the prima facie view to proceed against the accused person i.e., the petitioner under Section 138 of Negotiable Instruments Act based on the evidence as also the documents. The documents which have been taken through, require

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due appreciation, particularly on the aspect that there was no liability of the petitioner for the respondent. The petitioners would have efficacious remedy before the MM at the time of consideration of charges and would be at liberty to address all the legal aspects based on the documents and evidence.

The petition stands dismissed.



M.L. MEHTA, J

OCTOBER 31, 2011
'raj'