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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.M.C. 3730/2011

AMITABH CHAUDHARY & ANR Petitioner
Through Mr. Amit Kr. Singh, Adv.

versus

STATE & ANR Respondent
Through Ms Jasbir Kuar, APP

CORAM:
HON'BLE MR. JUSTICE M.L. MEHTA

ORDER
14.11.2011

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Crl.M.C.3730/2011 & Crl. M.A. 17746-47/2011 (for stay and exemption, respectively)

This petition under section 482 Cr. P.C. has been filed for quashing of complaint case No. 2729/1/11 dated 25.05.2011, P.S. Defence Colony under section 138 N.I. Act and summoning order dated 25.05.2011 of learned MM vide which the learned MM had summoned both the accused persons for 30.09.2011.

Learned counsel for the petitioners states that the petitioners appeared before the Court on 30.09.2011 when they were granted bail and the matter was adjourned to 15.11.2011 for consideration of notice under section 251 Cr.P.C.

Learned counsel further states that no case was made out

against the petitioners inasmuch as there was no liability of the petitioners in the facts and circumstances of the case and also because there is clear bar of filing of the case as per proviso to section 138.

Learned counsel also relied upon the case of ***Prem Chand Vijay Kumar Vs. Yashpal Singh and another***, 2005 4 SCC 417.

Since the matter is listed before the learned MM for 15.11.2011 for consideration on notice, the submissions which are sought to be led by the petitioners would be available to them before the court of MM also which is equally efficacious remedy.

The petition is not maintainable and is hereby dismissed.



M.L. MEHTA,J

NOVEMBER 14, 2011

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