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

CNR No. DLHC010380232026

+ **CRL.M.C. 6010/2026, CRL.M.A. 25075/2026-Stay, CRL.M.A. 25076/2026-Exp.**

INDUS BIRRA BEVERAGES ORS.

.....Petitioners

Through: Mr. Mimansak Bhardwaj, Mr.
Subham Prasad and Mr. Rahul Pal,
Advs.

versus

ISHAAN ASSOCIATES

.....Respondent

Through: Mr. Madhur Arora, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

20.08.2026

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1. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023, petitioners seek quashing of Complaint case bearing No.CC NI ACT/945/2024, filed by the respondent under *Section 138* read with *Section 142* of the Negotiable Instruments Act, 1881 and impugned order dated 10.09.2025 passed by learned MM (NI Act) East, Karkardooma Courts, Delhi.

2. At the outset, learned counsel for the respondent has handed over a copy of the order dated 14.07.2026 which is reproduced as under:-

“Memo of appearance filed on behalf of accused.

Ld. Counsel for the accused has submitted that he has been recently engaged.

Ld. Counsel for accused submits that he has not received the copy of complaint alongwith the documents. Complainant is



directed to supply the same on or before NDOH to the accused 9818384002.

Without the appearance of the accused, NBW are not been stayed.

Issue NBW against accused to be executed through SHO PS concerned, returnable on NDOH.

It is made clear that no application for cancellation of NBW shall be entertained without proof of at least 5 days advance notice to opposite side.

In case of non-prosecution of NBW, process server is directed to appear physically before the court on NDOH.

Ld. Counsel for the complainant has submitted he has already supplied the copy of complainant. He is directed to file an affidavit in the regard by NDOH.

List for appearance of the accused and framing of notice on 30.09.2026.”

3. Strangely, the aforesaid order dated 14.07.2026 has not only been withheld from this Court, there is no iota of mention thereof herein. This is despite that the present petition has only been filed only thereafter on 25.07.2026. There is no response from learned counsel for the petitioner forthcoming for the same.
4. Though the same reflects that the petitioner has indeed taken steps qua the NBW issued by the learned Trial Court, he has sought to portray a completely different picture by not disclosing anything about the said order dated 14.07.2026.
5. Moreover, it is interesting to note that though the said order dated 14.07.2026 specifically records the submission made on behalf of the



petitioners that “*Ld. Counsel for accused submits that he has not received the copy of complaint alongwith the documents.*”, however, the same is completely contrary to what is and, in fact was, before this Court. This is because, as admitted by learned counsel for the petitioners, the very same petitioners have themselves not only filed the said documents as annexures alongwith the present petition but since they had appended them as annexures alongwith an earlier petition being *CrI.M.C. 3634/2026* as well. Interestingly, both the petitions filed by the petitioners herein were arising out of the very same Court proceedings pending before the learned Trial Court. More so, since the petitioners withdrew the earlier petition “*with liberty as prayed for*” way back on 11.05.2026.

6. This Court does not appreciate the aforesaid conduct of the petitioners, more so, since they are making contrary statements before different Courts, by withholding information/ by misleading them with a clear intention to somehow snatch an order from this Court.

7. As such, the present petition, alongwith the pending applications, is accordingly dismissed *in limine* with costs of Rs.50,000/- to be paid by learned counsel for the petitioners in Delhi High Court Bar Association Lawyers Social Security and Welfare Fund [A/C 155530100009730; IFSC UCBA0001553] within a period of *two weeks*.

SAURABH BANERJEE, J

AUGUST 20, 2026/rr