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

Judgment delivered on: 05th October, 2015

+ **CRL.M.C. No.5432/2014**

IFCI FACTORS LTD. Petitioner
Represented by: Mr. Deepak Bashta, Adv.

versus

STATE & ORS. Respondents
Represented by: Mr. Izhar Ahmad, APP for
State.
Mr. Nishit Agrawal and Talha A. Rahman,
Advs. for R-2 to 6.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. Vide the present petition, the petitioner seeks direction thereby setting aside the impugned order dated 11.08.2014 passed by MM-02(NI Act) South East, Saket and restore the complaint to its original number and to direct the learned Metropolitan Magistrate to proceed with the complaint against the accused in accordance with law.
2. Learned counsel appearing on behalf of the petitioner submits that the complaint filed by the petitioner was directed to be returned keeping in view the decision taken by the Supreme Court in the case of *Dashrath Rupsingh Rathod vs. State of Maharashtra in Criminal Appeal No. 2287/2009*. Thereafter, the Ministry of Law and Justice (Legislative Department) has made an amendment in

the Negotiable Instruments Act vide Gazette notification dated 22.09.2015 whereby order dated 11.08.2014 deserves to be quashed.

3. Learned counsel appearing on behalf of respondents no. 2 to 6 submits that he has no objection if the present petition is allowed keeping in view the aforesaid Gazette notification issued by the Ministry of Law and Justice.
4. In view of the Negotiable Instruments (Amendment) Second Ordinance, 2015 and the statement of the counsel for respondents no. 2 to 6, I hereby set aside the order dated 11.08.2014 passed by MM-02(NI Act) South East, Saket. Consequently, the Complaint Case No.4204/2014 is restored to its original number and stage.
5. Accordingly, the parties are directed to appear before the trial court on 19.10.2015 for directions.
6. In view of the above, the instant petition stands disposed of.

Crl. M.A. No.18528/2014

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

OCTOBER 05, 2015

RS