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

Judgment delivered on: 06th October, 2015

+ **CRL.M.C. No.5707/2014**

KAPILA BHATNAGAR

..... Petitioner

Represented by: Mr. Gurmeet Singh and
Ms. Nivedita Jain,
Advocates.

Versus

AJAY GIROTRA

..... Respondent

Represented by: None.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. It is noted that despite having given last opportunity of four weeks to the respondent on the last date of hearing, i.e., 17.07.2015 to file reply to the instant petition, neither reply is filed nor anybody appeared on behalf of the respondent.

2. In view of above, this Court has no option but to proceed with the matter.

3. Vide the present petition, the petitioner seeks quashing of the order dated 14.10.2014 passed in Criminal Complaint No.123/2014 by the learned Metropolitan Magistrate, Karkardooma Courts, Delhi, 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.

4. 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.

5. In view of the Negotiable Instruments (Amendment) Second Ordinance, 2015, I hereby set aside the order dated 14.10.2014 passed by the learned Metropolitan Magistrate. Consequently, the Criminal Complaint No.123/2014 is restored to its original number and stage.

6. Accordingly, the parties are directed to appear before the learned Trial Court on 19.10.2015 for directions.

7. In view of the above, the instant petition stands disposed of.

**SURESH KAIT
(JUDGE)**

OCTOBER 06, 2015

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