

\$~35

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 1677/2016
SHEO RATAN KHAITAN

..... Petitioner

Through Mr Ashesh Lal, Adv.
versus

DHIRAJ

..... Respondent

Through None

CORAM:
HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER
02.05.2016

%

Crl. MA 7120/2016 (exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

Crl. MC 1677/2016 & Crl. MA 7121/2016 (stay)

This is a petition under Section 482 Cr.PC moved by the petitioner for quashing the summoning order dated 16.02.2015 whereby one Rakesh Khetan has been summoned in CC No.77/15 under Section 138 of Negotiable Instruments Act.

At the outset, learned counsel for the petitioner admits that there is no summoning order qua the present petitioner. However, according to him, on 31.03.2016, a police personnel came with a summon at the petitioner's address and inquired about Rakesh Khetan. Thereafter, he made inquiry from the Trial Court and came to know that cheque in question has been issued in his name and not by the name of Rakesh Khaitan. Petitioner has no business dealing with the respondent hence question of issuing any cheque by him does not arise. The complaint under 138 of NI Act filed by the respondent is against Rakesh Khaitan and a notice was issued to him prior to filing the complaint.

That being so, in case any action is taken against the petitioner, the petitioner will at liberty to move to the concerned court. However, since the petitioner has not been summoned and no action has been taken against him so far as such petition is premature. That being so, learned counsel for the petitioner, on instructions, seeks to withdraw the petition with liberty to approach the concerned Court in case any action is taken against the petitioner.

In view of these submissions, the petition is dismissed as withdrawn.

Pending application also stands disposed of.

SUNITA GUPTA, J

MAY 02, 2016/*rd*