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

+ **CRL.M.C. 2370/2016 & CrI.M.A. 10138/2016**

**ANIL KHADKIWALA**

..... Petitioner

Represented by: Ms. Smita Bankoti with Mr.  
Ashish Sheoran, Advs.

versus

**STATE ( GOVERNMENT OF NCT OF DELHI) & ORS**

..... Respondent

Represented by: Mr. Hirein Sharma, APP.  
Mr. S.C. Singhal, Adv. for R-2.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**31.01.2017**

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1. In the present petition the prayers made are –

“(a) *Quash the notice of summons and order dated 08.03.2016 issued by the Ld. Trial Court in CC No.3403/1/2015 whereby the Petitioner was asked to stand trial for the offence alleged in the said notice;*

(b) *Discharge the petitioner from the said Notice to stand trial and proceedings initiated by Respondent No.2 under Section 138 r/w 141 of the N.I. Act;*

2. The primary ground on which the petitioner assails issuance of summons to him is that he had resigned from the company M/s ETI Projects Ltd. as its Director w.e.f. 20<sup>th</sup> January, 2001 and the cheque had been issued on 28<sup>th</sup> February, 2001.

3. A perusal of the paper book would reveal that earlier also the petitioner had challenged issuance of summons to him on the same

complaint which was then numbered as complaint case No.186/1. Vide order dated 18<sup>th</sup> September, 2007 this Court dismissed the CrI.M.C. 877/2005 which order was clarified on dated 31<sup>st</sup> January, 2008 and it was noted that one cheque was signed by the petitioner.

4. Since an earlier petition of the petitioner seeking the same relief has already been dismissed, the present petition is not maintainable.
5. Petition is dismissed.
6. Trial Court record be sent back.

**MUKTA GUPTA, J.**

**JANUARY 31, 2017**  
**‘v mittal’**