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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 797/2024

SMT. RAJWANT KAUR Petitioner

Through: Mr. Pankaj Batra,
Advocate

versus

SMT. VIJAY LAXMI Respondent

Through: Mr. Vinay Rathi,
Advocate

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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01.02.2024

CRL.M.A. 3196/2024 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 797/2024 & CRL.M.A. 3195/2024 (directions)

3. The present petition is filed under Section 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (**CrPC**) challenging the order dated 16.10.2023 passed by the Learned Principal District & Sessions Judge ('**PDSJ**') West, Tis Hazari Court, Delhi in Criminal Revision No. 80/2022 (hereafter '**the impugned order**').
4. The learned PDSJ by the impugned order disposed of the criminal revision petition filed by the respondent challenging the order dated 18.02.2022, passed by the learned Metropolitan Magistrate (hereinafter '**MM**'), whereby the application filed by the petitioner under Section 143A of the Negotiable Instruments Act, 1881 (hereafter '**NI Act**') was dismissed.



5. An application under Section 143A of the NI Act was filed by the petitioner seeking interim compensation in the complaint case filed by the petitioner under Section 200 of the CrPC for the offence punishable under Section 138 of the NI Act. The learned MM by the order dated 18.02.2022 had disposed of the said application filed by the petitioner, and had not awarded any interim compensation. The said order was not challenged by the petitioner, but by the respondent.

6. The respondent challenged the order 18.02.2022 by way of a revision petition before the learned PDSJ being Criminal Revision No.80/2022. The learned PDSJ had entertained the said revision petition and disposed of the same by partly setting aside some of the observations made by the learned MM.

7. This Court fails to understand as to why the petitioner has challenged the impugned order, since, no order to the detriment or prejudice of the petitioner has been passed by the learned PDSJ.

8. The learned counsel for the petitioner submits that the revision petition was not maintainable before the learned PDSJ, however, he would be satisfied if it is clarified that the observations made by the learned PDSJ were only, *prima facie*, and will not affect the outcome of the trial or the proceedings initiated by the petitioner under Section 138 of the NI Act, before the learned Trial Court.

9. The learned counsel submits that the order passed by the learned MM under Section 143A of the NI Act was interlocutory, and no petition challenging the said order could have been entertained under Section 397 of the CrPC.

10. The learned counsel for the respondent who appears on advance notice does not object to the said request.



11. In view of the above, without going into the issue, whether a petition challenging the order passed under Section 143A of the NI Act could have been entertained under Section 397 of the CrPC, this Court considers it apposite to dispose of the present petition while observing that any observation made by the learned MM in order dated 18.02.2022, or by the learned PDSJ in the impugned order, were only, *prima facie*, and will not influence the outcome or adjudication of the complaint filed by the petitioner under Section 138 of the NI Act.

12. No further orders are required to be passed.

13. The petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 1, 2024
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