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

27

+ CRL.L.P. 76/2023

CHIRAG JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

M/S ANGEL HOSPITALITY PVT. LTD. & ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

28

+ CRL.L.P. 77/2023

CHIRAG JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

M/S ANGEL HOSPITALITY PVT. LTD. & ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

29

+ CRL.L.P. 81/2023

CHIRAG JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus



M/S ANGEL HOSPITALITY PVT. LTD. & ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

30

+ CRL.L.P. 83/2023

CHIRAG JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

M/S ANGEL HOSPITALITY PVT. LTD. & ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

31

+ CRL.L.P. 84/2023

CHIRAG JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

M/S ANGEL HOSPITALITY PVT. LTD. & ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

32

+ CRL.L.P. 85/2023

CHIRAG JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.



versus

M/S ANGEL HOSPITALITY PVT. LTD. & ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

33

+ CRL.L.P. 86/2023

CHIRAG JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

M/S ANGEL HOSPITALITY PVT. LTD. & ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

34

+ CRL.L.P. 87/2023

CHIRAG JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

M/S ANGEL HOSPITALITY PVT. LTD. & ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

35

+ CRL.L.P. 88/2023

CHIRAG JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor,



Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT LTD & ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

36

+ CRL.L.P. 89/2023

CHIRAG

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

M/S ANGEL HOSPITALITY PVT. LTD. & ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

37

+ CRL.L.P. 91/2023

RAJENDER KUMAR JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

38

+ CRL.L.P. 92/2023

RAJENDER KUMAR JAIN

..... Petitioner



Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

39

+ CRL.L.P. 93/2023

RAJENDER KUMAR JAIN Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

40

+ CRL.L.P. 94/2023 & CRL.M.A. 4197/2023 (Exemption)

RAJENDER KUMAR JAIN Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

41

+ CRL.L.P. 95/2023

RAJENDER KUMAR JAIN Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit



Yadav and Mr. Nishchay Kapoor,
Advocates alongwith petitioner in
person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr.
Anshul Singh Patel and Ms. Ishleen,
Advocates.

42

+ CRL.L.P. 96/2023

RAJENDER KUMAR JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit
Yadav and Mr. Nishchay Kapoor,
Advocates alongwith petitioner in
person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr.
Anshul Singh Patel and Ms. Ishleen,
Advocates.

43

+ CRL.L.P. 97/2023

RAJENDER KUMAR JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit
Yadav and Mr. Nishchay Kapoor,
Advocates alongwith petitioner in
person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr.
Anshul Singh Patel and Ms. Ishleen,
Advocates.

44

+ CRL.L.P. 100/2023

REETI JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit
Yadav and Mr. Nishchay Kapoor,



Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

45

+ CRL.L.P. 101/2023

RAJENDER KUMAR JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT.
LTD. AND ORS. & ORS.

..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

46

+ CRL.L.P. 102/2023

RAJENDER KUMAR JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

47

+ CRL.L.P. 103/2023

RAJENDER KUMAR JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor,



Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT.
LTD. AND ORS. & ORS.

..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr.
Anshul Singh Patel and Ms. Ishleen,
Advocates.

48

+ CRL.L.P. 104/2023

REETI JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit
Yadav and Mr. Nishchay Kapoor,
Advocates alongwith petitioner in
person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr.
Anshul Singh Patel and Ms. Ishleen,
Advocates.

49

+ CRL.L.P. 107/2023

REETI JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit
Yadav and Mr. Nishchay Kapoor,
Advocates alongwith petitioner in
person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr.
Anshul Singh Patel and Ms. Ishleen,
Advocates.

50

+ CRL.L.P. 108/2023

REETI JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit
Yadav and Mr. Nishchay Kapoor,



Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT LTD & ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

51

+ CRL.L.P. 109/2023

REETI JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

52

+ CRL.L.P. 112/2023

REETI JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

53

+ CRL.L.P. 113/2023

REETI JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in



person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

54

+

CRL.L.P. 114/2023

REETI JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT.
LTD. AND ORS. & ORS.

..... Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

55

+

CRL.L.P. 116/2023

REETI JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in person.

versus

ANGEL HOSPITALITY PVT LTD & ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr. Anshul Singh Patel and Ms. Ishleen, Advocates.

56

+

CRL.L.P. 118/2023

REETI JAIN

..... Petitioner

Through: Mr. Ashish Aggarwal, Mr. Satyajit Yadav and Mr. Nishchay Kapoor, Advocates alongwith petitioner in



person.

versus

ANGEL HOSPITALITY PVT. LTD. AND ORS. Respondents

Through: Mr. Hitesh S., Ms. Anju Jain, Mr.
Anshul Singh Patel and Ms. Ishleen,
Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

01.04.2024

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1. By this common order the leave petitions filed on behalf of the petitioners against a common order of acquittal dated 30.11.2022 passed in 30 complaints under Section 138 of the NI Act which have been initiated on behalf of the petitioners are being disposed of.
2. Learned counsel appearing on behalf of the petitioners submits that *vide* the impugned judgment the learned Trial Court has dismissed the complaints filed by the present petitioners under Section 138 of the NI Act primarily on the ground that the subject cheques were given by the respondents in pursuance of a lease deed executed between the parties for a 3 year lock-in period. The case of the respondents before the learned Trial Court was that the vacant possession of the demised premises had been handed over to the petitioners and for a period of 6 months the property was not in possession of the respondents. The learned Trial Court while acquitting the present respondents has given findings to the effect that cheques which were given as advance for the entire lock-in period, will not be maintainable for the period when the possession of the premises was not with the respondents.
3. Learned counsel appearing on behalf of the respondents submits that



by way of evidence it has been led that the property was vacated on account of the proceedings initiated by the HUDA and therefore, vacation of the property before the end of lock in period was not on default of the respondents and thus, the cheques for the said period will not be maintainable as issued towards discharge of legally enforceable liability.

4. Heard learned counsel for the parties and perused the record.

5. The impugned judgment passed by the learned Trial Court primarily is on the issue that the cheques which were given in advance by the respondents at the time of execution of the lease deed would not be maintainable for the period commencing after the property was vacated by the respondents. Meaning thereby, no liability would be accruing on account of vacation of said premises. It is not in dispute that the clause of lock in period in a contract is otherwise maintainable. It is also not in dispute that the present cheques were given as an advance payment for the entire lock-in period.

6. In view of the above, leave to appeal granted. The present criminal leave petitions are allowed and disposed of. The same may be registered as criminal appeals and the registry is directed to number it accordingly. Pending application(s), if any, also stand disposed of accordingly.

7. In the meantime, respondent no. 2 and 3 are directed to furnish a personal bond in the sum of Rs. 10,000/- with one surety to the satisfaction of the Registrar General of this Court.

CRL.A.....(to be numbered)

CRL.A.....(to be numbered)

CRL.A.....(to be numbered)

CRL.A.....(to be numbered)

CRL.A.....(to be numbered)

[illegible]

7. List on 08.08.2024.

AMIT SHARMA, J

APRIL 01, 2024/sn

[Click here to check corrigendum, if any](#)