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

+ **CRL.M.C. 1152/2024 & CRL.M.A. 4559/2024**

NLDK TIMBERS PVT LTD & ANR.

.....Petitioners

Through: **Mr. Aman Bhalla and Mr. Sarthak
Asthana, Advocates.**

versus

ANAND GLASS COMPANY & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

20.08.2024

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1. Heard counsel for petitioner.
2. The issue raised by counsel for petitioner is that as per the complaint filed, there were five cheques which had been tendered by the accused to the complainant, however, the demand draft of Rs. 5 lacs had been handed over along with the communication dated 08th August, 2013, where there was a call for return of PDC, since the work has not been completed.
3. It contended on this basis, the summoning order ought not to have been issued.
4. This Court notes, that in the same complaint, it is averred by the respondent that a few jobs could not be completed and same were put on hold by the accused company; however, all other jobs were completed and handed over to the accused and after due confirmation from accused no.2-3, the complainant presented the cheques at serial no. 2 to 5 of the table in para 4 of the said complaint, which were returned dishonoured.



5. In these circumstances, since these are questions of fact, this Court is not inclined to interfere at this stage.
6. Accordingly, the petition stands dismissed.
7. The above observations only *prima facie* in nature and will not influence the Trial Court in any manner whatsoever.
8. Order be uploaded on the website of this court.

ANISH DAYAL, J

AUGUST 20, 2024/RK

Click here to check corrigendum, if any