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

+ CRL.M.C. 1561/2024

NEERAJ JAIN

.....Petitioner

Through: Mr. Manoj Jain and Mr. S.P. Gairotra,
Advocate.

versus

MOOL CHAND SAINI AND ANR.

.....Respondent

Through: Ms. Himanshi, Advocate for R-1.

22

+ CRL.M.C. 1685/2024, CRL.M.A. 6472/2024

NEERAJ JAIN

.....Petitioner

Through: Mr. Manoj Jain and Mr. S.P. Gairotra,
Advocate.

versus

MOOL CHAND SAINI AND ANR

.....Respondent

Through: Ms. Himanshi, Advocate for R-1.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

03.09.2024

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1. A Petitioner under Section 482 Cr.P.C has been filed on behalf of the petitioner Neeraj Jain for quashing of the Order dated 12.10.2021 and 25.01.2024.



2. It is submitted in the petition that the petitioner was not a signatory to the cheque and he is only the brother of respondent No.2 Mayank Jain, who had signed the cheque. It is, therefore, submitted that no offence is made out under Section 138 N.I. Act against him and the Summoning Order as well as the Notice under Section 251 Cr.P.C is liable to be quashed.
3. Learned counsel for respondent No.2 has addressed arguments.
4. **Submissions heard.**
5. The perusal of the Summoning Order dated 12.10.2021 reflects that the counsel for the complainant in the opening paragraph had stated that he does not want to pursue the complaint against the accused Neeraj Jain.
6. It is quite evident that the complaint under Section 138 N.I. Act was not pursued against the petitioner against which it was dropped. Furthermore, the admission/denial of the documents under Section 294 Cr.P.C had been done by accused Mayank Jain. Apparently, the Notice under Section 251 Cr.P.C which has been framed on 25.01.2024, is framed wrongly against Neeraj Jain.
7. There is error apparent on the face of the record, therefore, the Notice under Section 251 Cr.P.C framed vide Order dated 25.01.2024, is hereby set aside with the directions to the learned M.M to frame the Notice correctly against the correct accused person.
8. The petitions stands allowed and are disposed of accordingly.

NEENA BANSAL KRISHNA, J

SEPTEMBER 3, 2024/va