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

+ **CRL.M.C. 2936/2024 & CRL.M.A. 11248/2024 (Stay)**

RAHUL SHARMA

..... Petitioner

Through: Mr. Rajive Maini, Ms. Shriya Maini,
Ms. Neeshu Chandpuriya, Advocates.

versus

XYZ

..... Respondent

Through: Mr. Gaurav Sharma, Advocate,
DHCLSC for respondent alongwith
respondent in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

13.05.2024

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1. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:

“A. Quash/Set-Aside the impugned complaint bearing CC. No. 24493/2023 titled as “.....XYZ.....” *Rahul Sharma*’ pending before the Hon’ble Court of Ms. Apoorva Rana, Ld. Metropolitan Magistrate - 05 (NI Act), South - West District, Dwarka Courts, New Delhi and all consequential proceedings emanating therefrom; and/or

B. Quash the summoning order dated 26.10.2023 and all consequential proceedings emanating therefrom passed therein by the Ld. Trial Court in impugned complaint bearing CC. No. 24493/2023 titled as “.....XYZ.....” *Rahul Sharma*’ pending before the Hon’ble Court of Ms. Apoorva Rana, Ld. Metropolitan Magistrate - 05 (NI Act), South - West District, Dwarka Courts, New Delhi; and/or

C. Set aside the Order dated 02.02.2024 and Notice of Charge framed u/s 251 CrPC whereby the Ld. Trial Court has mechanically and in a scathing hurry framed charges and listed the matter for CE, framing the



30 Notice of charge u/s 251 by cross - examining the Petitioner u/s 145 (2) NI Act in the absence of his legal counsels with a set format of questions, him being produced from Judicial custody (being confined in Tihar Jail) without having any knowledge of the proceedings u/s 138 NI Act or contents of the Petition / Legal Notice even u/s 138 NI Act so as to enable him to present his defence with complete and correct factual details, in light of the principles of natural justice and as per prevailing law as a last and final opportunity; and / or

D. Pass any other order(s) that the Hon'ble Court may deem fit and proper in in this case in favour of the Petitioner and against the Respondent.”

2. Learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to raise the grounds taken herein during the course of the trial before the learned Trial Court in accordance with law.
3. Leave and liberty granted.
4. The present petition is dismissed as withdrawn and disposed of accordingly.
5. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MAY 13, 2024/bsr

Click here to check corrigendum, if any