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

+ CRL.M.C. 3280/2024, CRL.M.A. 12663/2024

RAJESH KUMAR

.....Petitioner

Through: Ms. Archana Sharma, Advocate.

versus

ANAND KUMAR

.....Respondent

Through: Mr. Jitender Sharma, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **13.09.2024**

1. A Criminal Misc. Petition under Section 482 Cr.P.C has been filed for quashing of Complaint No.2328/2018 along with the Summoning Order dated 25.11.2019 of the learned M.M in Complaint Case under Section 138 N.I. Act.
2. The first ground on which the quashing of the Order of learned M.M is sought is that the cheques had been issued in 2006 and given in 2013, but have been misused in 2018. In so far as this assertion is concerned, there are specific averments made in the Complaint that the loan had been taken twice; once in May, 2013 for Rs.6 lakhs and again in July, 2018 for Rs.4 lakhs. Whether there was any misuse of cheques, is a matter of defence which may be agitated by the petitioner during the trial.
3. It is further submitted that the Complaint has been filed before expiry of 15 days of Notice period. The Complaint was filed way back in 2019.



The technicalities cannot be agitated for challenging the Complaint when it otherwise satisfies all the requirements of Section 138 NI Act.

4. The third objection taken is that the Cause of Action had arisen in East Delhi while the Complaint is pending in Patiala House Court.

5. Prima facie from the averments in the Complaint it is evident that the cheques were issued of IDBI Bank, Branch Bhola Nath Nagar, Shahdara, Delhi and were presented in bank at IDBI Bank, Branch Loni Road, Jyoti Nagar, Shahdara. Prima facie, it is shown that the territorial jurisdiction was within District Court, Shahdara. The Complaint along with the proceedings stands transferred to District Shahdara.

6. The matter be listed before the Learned CMM, District Shahdara, Karkardooma Courts on 25.09.2024.

7. The Petition stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 13, 2024/va