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

+ W.P.(CRL) 2106/2023, CRL.M.A. 19628/2023 (stay)

PRADEEP RAI

.....Petitioner

Through: Mr. Jayaditya Gupta, Advocate.

versus

RESERVE BANK OF INDIA & ORS.

.....Respondents

Through: Mr. Divyanshu Sahay, Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **19.09.2024**

W.P.(CRL) 2106/2023

1. The Petition under Article 226 of the Constitution of India read with Section 482 of CrPC has been filed on behalf of the petitioner for quashing of the Complaint Case No. 12136/2018 under Section 138 of N.I. Act, filed by the respondent Bank against the petitioner.
2. It is submitted that the Moratorium has been issued against the Builder and the present proceedings under Section 138 of N.I. Act cannot be continued against the petitioner.
3. Learned counsel on behalf of the respondent No.2 submits that the Moratorium has been issued against the Company Volvo and not against the Bank and there is no impediment for the Complaint case to continue.
4. **Submissions heard.**
5. From the perusal of the record shows that the Complaint under Section 138 of N.I. Act has been filed against the petitioner by the



respondent in which the Notice under Section 251 of N.I. Act has been framed. An Application under Section 143A has been filed by the Bank. The trial is on going in the Complaint case.

6. The grounds on which the Petition is sought to be quashed, has no merit for the simple reason that there is no Moratorium against the Bank and also there is no impediment for the Petition to continue. Without prejudice to the observations made herein, the petitioner is at liberty to move the appropriate application before the concerned Court, in accordance with law.

7. The Petition is disposed of. The pending application also stands disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 19, 2024/RS