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

+ CRL.M.C. 4016/2024 & CRL.M.A. 15288/2024

GHULAM QADIR PARRAY Petitioner

Through: Mr. Naman Aggarwal,
Mr. Gaurav Aggarwal,
Mr. Arshid Bashir, Mr.
Rishabh Chaudhary &
Mr. Vishnu, Advocates.

versus

STATE NCT OF DELHI AND ANR Respondents

Through: Mr. Utkarsh, APP for the
State.
Mr. Sanjeev Arora,
Advocate for Respondent
No.2 (Through V.C.).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

21.05.2024

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1. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC'), seeking quashing of the summoning order dated 12.05.2023 passed by the learned MM (NI Act), Rohini Courts, North District, Delhi and the complaint case being CC NI Act No. 160/2023, filed under Section 138 of Negotiable Instruments Act, 1881 ('NI Act') by the Respondent No.2, titled as *Jeet Rajpal vs. Ghulam Qadir Parray*.

2. At the outset, learned counsel for the respondent submits that he has miscalculated the period for filing of the complaint.



3. He submits that there has been delay of five days which can be explained if the opportunity is given.
4. In view of the above, this Court considers it apposite to permit the respondent to file an application, within a period of two working days, seeking condonation of delay, in filing the complaint under Section 138 of the Negotiable Instruments Act, 1881 ('**NI Act**') against the petitioners.
5. The summoning order dated 12.05.2023 is, therefore, set aside and the matter is remanded back to the concerned learned Metropolitan Magistrate ('**MM**') to decide afresh after considering the application that may be filed by the respondent seeking condonation of delay.
6. It is pointed out by the learned counsel for the parties that the matter is now listed for consideration on 24.05.2024. The learned counsel for the respondent submits that the application seeking condonation of delay would be filed within a period of two working days. Since the impugned order is set aside, the learned MM is directed to pass a fresh order after considering the application in case the same is filed by the respondent seeking condonation of delay on or before 24.05.2024.
7. No further orders are required to be passed at this stage.
8. The petition is disposed of with the aforesaid liberty.

AMIT MAHAJAN, J

MAY 21, 2024
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