



\$~61

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

+ **CRL.M.C. 4383/2024, CRL.M.A. 16645/2024**

MOHAMMED JAHANGIR

..... Petitioner

Through: Mr. Riju Raj Singh Jamwal and
Mr. Riway Rai, Advocates.

versus

OYO HOTELS AND HOME PRIVATE LIMITED

..... Respondent

Through: Mr. Diptiman Acharya, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

%

28.05.2024

CRL.M.A. 16646/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 4383/2024, CRL.M.A. 16645/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for quashing and setting aside proceedings under Section 138 NI Act in CC No. 1833/2020, filed by respondent before learned MM-05, New Delhi District.
2. Learned counsel for respondent appears on advance notice.
3. In brief, learned counsel for petitioner submits that post-dated cheques were not issued against any debt but only against a contractual condition. It is further claimed that respondent has liability to pay an amount of Rs. 2 crores approximately to the petitioner. He further submits that disputes are pending for arbitration.
4. Learned counsel for respondent strongly disputes the liability and



submits that the same can only be ascertained during the course of trial, in the light of evidence led on behalf of parties.

5. At this stage, learned counsel for petitioner seeks to withdraw the petition without prejudice to his rights and contentions.

6. Taking the statement of learned counsel for petitioner on record, petition is accordingly disposed of without prejudice to rights and contentions of petitioner. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

MAY 28, 2024/R