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

+ **CRL.M.C. 5688/2024**

R L VARMA AND SONS HUF AND ANRPetitioners

Through: Counsel for petitioners (appearance
not given)

versus

ANANT RAJ AGENCIES PVT LTDRespondent

Through: Mr. Soham Kumr and Mr. V.
Parashar, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **26.07.2024**

CRL.M.A. 21729/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The Petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita (BNSS) has been filed on behalf of the petitioners wherein it is submitted that the restoration of the complaint CC No. 339/1 under Section 138 of the Negotiable Instrument Act, was dismissed in default *vide* Order dated 01.06.2012, by the learned Metropolitan Magistrate, be declared as invalid and *nonest*. This Court *vide* Order dated 25.09.2023, restored the complaint with cost of Rs.30,000/-, to be paid to the petitioner and the parties were directed to appear before the learned CMM on 11.10.2023.



According to the petitioner himself, the matter got marked by the CMM to the concerned Court on 12.10.2023, when he was not available. He appeared on 31.10.2023, when he was told by the learned MM that because of the lack of territorial jurisdiction, he need not appeared.

4. Thereafter, there has been some communication made by the petitioner, which resulted in mutual discussion about the terms of the settlement.

5. The only grievance of the petitioner today is that the cost of Rs.30,000/-, which was a condition for restoration of the Petition of the Complaint Case under Section 138 of the NI Act, has not been complied till date.

6. Learned counsel on behalf of the respondent, who has appeared on advance Notice, submits that since the complainant had not been appearing before the learned MM, there was no occasion for him to pay the cost. He has got the Demand Draft bearing No.401799 for a sum of Rs.30,000/- in favour of Mr. Dhruv Verma, drawn on Kotak Mahindra Park, today, which is given to the petitioner and accepted by him in the Court.

7. In the circumstances stated above, the cost which was a condition for restoration, has been paid today. Nothing more survives in the present Petition, which is hereby dismissed.

8. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

JULY 26, 2024/RS