



\$~41 & 42

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6244/2019 & CRL.M.A. 41919/2019**

NEERAJ ARORAPetitioner
Through: Mr. Ankit Parashar, Adv.

versus

RAJEEV DHINGRARespondent
Through: Mr. Rohit Nagpal, Adv.
(through VC)

+ **CRL.M.C. 6245/2019 & CRL.M.A. 41922/2019**

NEERAJ ARORAPetitioner
Through: Mr. Ankit Parashar, Adv.

versus

RUCHIKA DHINGRARespondent
Through: Mr. Rohit Nagpal, Adv.
(through VC)

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
26.11.2024

%

1. The petitioner seeks quashing of summoning order dated 23.01.2023 passed by the learned Metropolitan Magistrate in Complaint Case No. 712/2019 filed by the respondent under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act').
2. The complaint was filed alleging that the cheque issued by the petitioner on 24.11.2018 in discharge of legally enforceable debt was dishonoured by return memo dated 28.11.2018.
3. The only argument raised by the petitioner in the present petition is that a statutory notice was not issued within a period of thirty days from the date of dishonour of the subject cheque.
4. It is the contention of the petitioner that the legal notice



though is dated as 22.12.2018 but was sent through speed post only on 04.01.2019.

5. It is contended that the date of issuance of notice should, thus, be considered as 04.01.2019 which is beyond the period of thirty days from the date of dishonour of subject cheque.

6. The learned counsel for the respondent has taken this Court through the complaint filed by the respondent before the learned Trial Court. He relies upon the notice dated 22.12.2018 which on top mentions that the notice was sent through speed post and by courier. Courier receipt and the speed post receipt has been filed along with the complaint.

7. The courier receipt indicates that the legal notice was sent through courier on 22.12.2018. The speed post receipt is dated 04.01.2019.

8. It is undisputed that service of notice through the authorised courier services is a permissible mode of service of notice. From the perusal of the complaint and the courier receipt annexed along with the complaint, *prima facie* the statutory notice was sent within a period as prescribed under Section 138 of the NI Act.

9. I, therefore, find no merit in the present petition.

10. The petition is, therefore, dismissed.

11. A copy of this order be placed in both the matters.

AMIT MAHAJAN, J

NOVEMBER 26, 2024

“SS”