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

+ **CRL.M.C. 6124/2024**

SHAILENDRA DATT RATURI

.....Petitioner

Through: Mr.Manish, Mr.Satyendra Kumar
Singh, Mr.Ankush and Ms.Trapta
Kushwa, Advocates with petitioner in
person

versus

M/S SM FINLEASE THROUGH ITS

AR SHAHRAD MAHESWARI

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **08.08.2024**

CRL.M.As. 23418-19/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6124/2024, CRL.M.A. 23417/2024

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 of CC No. 1637/2022, titled as '*SM Finlease Ltd. Through AR Sharad Maheshwari v. Shailendra Datta Raturi*', under Section 138 NI Act.
2. Learned counsel for the petitioner submits that entire loan amount obtained from respondent has been paid vide cheques dated 11.02.2022, 21.02.2022 and 31.03.2022 and respondent has misused the blank cheques given by the petitioner.
3. On a specific query put by this Court, learned counsel for the



petitioner submits that reply to the legal notice taking the aforesaid stand was not forwarded to the respondent. Further, petitioner has been unable to respond, if any such defence was taken in response to the notice under Section 251 Cr.P.C. framed against petitioner.

4. Apart from above, the payment of loan amount as contended by learned counsel for the petitioner is a disputed question of fact which can be appreciated only after evidence is led on record by the respective parties.

In facts and circumstances, petition is bereft of merits at this stage and the same is accordingly dismissed, without prejudice to the rights and contentions of the parties. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J

AUGUST 8, 2024/v