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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6726/2024**
SHRI BALAJI ENTERPRISESPetitioner
Through: Mr.K.Sunil, Advocate

versus

JOHNSON PAINTS COMPANYRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **29.08.2024**

CRL.M.A. 25686/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 6726/2024, CRL.M.A. 25685/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for quashing of Complaint Case No.7852/2019 under Section 138 NI Act and proceedings emanating therefrom.
2. Learned counsel for the petitioner submits that petitioner failed to respond to the legal notice dated 01.06.2019, since the same was incorrectly addressed as well as complaint is stated to have been filed by respondent reflecting incorrect address. He further submits that coercive action has been initiated by learned trial court and interim protection be granted to enable the petitioner to appear on the next date of hearing before the learned trial court.



3. Considering the facts and circumstances of the case, NBWs, if any, issued by the learned trial court to secure the presence of accused/petitioner shall remain stayed till 09.10.2024, i.e. next date of hearing fixed before the learned trial court. Learned trial court shall further consider the application for cancellation of warrants in accordance with law.

4. On merits the grounds taken by petitioner for quashing relate to disputed questions of fact which can only be adjudicated during course of trial. Petition is accordingly disposed of leaving the contentions of the parties open to be taken up before the learned trial court in accordance with law. Pending applications, if any, stand disposed of.

A copy of this order be forwarded to learned trial court for information and compliance.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 29, 2024/v