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

+ CRL.M.C. 89/2024, CRL.M.A. 346/2024

ANUPAM KINSHUK

.....Petitioner

Through: Mr. Rakesh Kumar Singh, Mr. Rajan Kumar Singh and Mr. Ashok Anand, Advocates.

versus

ABHISHEK KOHLI

.....Respondent

Through: Mr. Hemant Chaudhary, Ms. Pooja Marwah, Ms. Jyoti Nandal and Mr. Vijay Kumar Tiwari, Advocates.

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+ CRL.M.C. 1713/2024, CRL.M.A. 6561/2024

PREETI PATHAK

.....Petitioner

Through: Mr. Rakesh Kumar Singh, Mr. Rajan Kumar Singh and Mr. Ashok Anand, Advocates.

versus

ABHISHEK KOHLI

.....Respondent

Through: Mr. Hemant Chaudhary, Ms. Pooja Marwah, Ms. Jyoti Nandal and Mr. Vijay Kumar Tiwari, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **12.09.2024**

CRL.M.C. 89/2024 & CRL.M.C. 1713/2024

1. Petition under Section 482 Cr.P.C has been filed on behalf of the



Petitioner for quashing of Complaint Case 6036/2020 and Complaint Case No.5990/2020 filed under Section 138 of Negotiable Instrument Act on the ground that the Cheques issued were blank and that all the payments already stand paid.

CRL.M.C. 89/2024 & CRL.M.C. 1713/2024

2. Firstly, the maintainability of the Complaint has to be seen on the averments made in the Complaint itself. Not an iota has been argued to show how the Complaint under Section 138 N.I Act is not maintainable or liable to be quashed.
3. On further query, the learned counsel for the petitioner has submitted that these were Blank Cheques which were issued to the Complainant and that all the payments against those cheques, have already been made. It is also asserted that the amount claimed through cheque is much higher than what had been paid by the Complainant.
4. These aspects are in fact, the defence of the petitioner/accused which he is required to prove during the trial.
5. There is no ground for quashing of the Complaint, the petitions are hereby dismissed.

NEENA BANSAL KRISHNA, J

SEPTEMBER 12, 2024/va