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

+ **CONT.CAS(C) 1693/2024**

DEEPAK KUMAR (THROUGH LR SUMAN SHARMA)

.....Petitioner

Through: Mr. Jasmeet Singh Rekhi, Adv.

versus

VIJENDER SHARMA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **25.10.2024**

CM APPL. 63424/2024 – EXMP.

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

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3. The petitioner is seeking initiation of contempt proceedings under Section 12 of the Contempt of Courts Act, 1971 against the respondent/contemnor for wilful disobedience of the directions of the learned Metropolitan Magistrate-04 (NI Act), South East, Saket Courts, New Delhi [“**learned MM**”] as contained in the order dated 25.04.2024 passed in complaint case bearing No. 5266/2018.
4. No one is present for the respondent despite sending advance notice.
5. Learned counsel for the petitioner has urged that in the complaint proceedings under Section 138 of the Negotiable Instruments Act, 1881, the parties arrived at a Memorandum of



Understanding thereby, settling the complaint case on payment of Rs. 3,00,000/- towards full and final satisfaction of the debt. It is stated that the respondent agreed to make the payment of Rs. 50,000/-, by 31.05.2024 and the remaining amount by way of equal monthly instalments of Rs. 10,000/- each and it was agreed that in case of even a single default in making the payment of the instalments, the complainant would be at liberty to pursue complaint in accordance with the law.

6. It is further submitted that the respondent has not complied with the aforesaid directions. However, at the same time it is submitted that the matter is now listed before the learned MM on 06.11.2024. In view thereof, the present contempt petition is pre-mature and the petitioner shall be at liberty to pursue his remedies before the learned MM.

7. Accordingly, the present contempt petition is dismissed without prejudice.

DHARMESH SHARMA, J.

OCTOBER 25, 2024/sm