



\$~75

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

+ **CRL.M.C. 9599/2024 & CRL. MAs 36833-34/2024**

MEETU HANS & ANR

.....Petitioners

Through: **Mr. Ram Anugrah Singh and Ms.
Alpana Kiran, Advocates.**

versus

A AND N LAW OFFICES LLP

.....Respondent

Through: **Mr. Jeetu Singh, Advocate.**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **06.12.2024**

1. By way of present petition, the petitioners seek quashing of the criminal complaint being CC No.9879/2024 filed by the respondent under Sections 138/142 NI Act as well as the consequent summoning order dated 23.02.2024 and framing of notice dated 24.07.2024 issued by the learned JMFC (NI Act)-01, Patiala House Courts, New Delhi.
2. Learned counsel for the petitioners submits that the complaint proceedings have been initiated with malice and for a non-existent debt. He submits that the petitioners had engaged the respondent and at the time of engagement, had furnished blank cheques as security. It is further stated that for the services rendered, the petitioners have already paid a sum of almost Rs.10 lacs and thus, no liability exists. It is also stated that the subject cheque was presented despite the petitioners sending a request for return of the same. It is further contended that the summoning order has been passed in a mechanical manner and that summoning of an accused is a serious



matter. On the strength of the aforesaid submissions, the petitioners seek the aforesaid prayers.

3. The petition is resisted by learned counsel for the respondent who appears on advance notice. He submits that even from the documents filed alongwith the paper book, it can be seen that the email relied upon by the petitioners is dated 30.01.2024, the very same date as when the subject cheque was presented for encashment, thus, it is contended that the email dated 30.01.2024 came as an afterthought.

4. I have heard learned counsels for the parties and perused the record.

5. The instant petition is premised on two grounds – *firstly*, that the subject cheque was handed over towards security and *secondly*, that there exists no liability. The email relied upon by the petitioners is dated 30.01.2024; the same can be seen to be sent at 19:07 hours. The return memo is dated 31.01.2024. At the time of framing of notice, the petitioner No.1 has admitted her signatures on the subject cheque, however, she has denied the other particulars on the cheque. The signatures having been admitted, the remaining questions as to whether the subject cheque was given as security or whether it was misused as there existed no liability, remains to be tested in trial and in this regard, reference may be made to the decision of the Supreme Court in Sunil Todi & Ors. v. State of Gujarat & Anr., reported as **2021 SCC OnLine SC 1174**.

6. In view of the aforesaid facts and circumstances, I find no ground to entertain the present petition and the same is accordingly dismissed alongwith pending applications.

MANOJ KUMAR OHRI, J

DECEMBER 6, 2024/rd