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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 9614/2024 & CRL.M.A. 36895/2024, CRL.M.A.
36896/2024
GARIMA SHARMA

.....Petitioner

Through: Mr. Rajeev Kumar, Adv.

versus

THE STATE THROUGH GOVT. N.C.T. OF DELHI & ANR.

.....Respondent

Through: Mr. Sunil Kr. Gautam, APP

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

09.12.2024

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1. This is a petition filed under Section 528 of BNSS, 2023 seeking quashing of the CT. Case No. 14714/2020 filed by the respondent No.2 and the judgment dated 23.10.2024 passed by the Judicial Magistrate First Class, NI Act, Dwarka Courts, New Delhi under Section 138 of the Negotiable Instruments Act.
2. It is stated by Mr. Kumar, learned counsel for the petitioner that in the present case, the petition itself is ill founded as the demand notice, which is the fountainhead of the complaint, was faulty.
3. The cheque number was not mentioned as well as there was no demand to repay the money in the notice issued under sub-section (b) of Section 138 of the NI Act.
4. In the present case, the judgment has already been passed by the learned Judicial Magistrate on 23.10.2024 holding the petitioner guilty



of offences punishable under Section 138 of the NI Act and now the matter is listed on 16.12.2024 for sentencing.

5. In this view of the matter, to my mind, the petitioner has an equally efficacious remedy which is filing an appeal against the judgment dated 23.10.2024.
6. That being the situation, I am not inclined to exercise the inherent powers of the Court to entertain the present petition and hence, the same is disposed of granting liberty to the petitioner to avail his legal rights as available in law.

JASMEET SINGH, J

DECEMBER 9, 2024 / (MS)

Click here to check corrigendum, if any