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

+ CRL.M.C. 940/2025 & CRL.M.A. 4310/2025, CRL.M.A. 4311/2025,
CRL.M.A. 4312/2025

M/S. GURJAR KRISHI SEWA KENDRA

.....Petitioner

Through: Mr. Shailender Negi and Mr. Ashish
Negi, Advocates.

versus

STATE GOVT. OF NCT OF DELHI AND ANR.Respondents

Through: Mr. Hemant Mehla, APP.
SI Rekha Chauhan, PS: Pandav
Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.02.2025

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ *inter-alia* seeks quashing of order dated 26th September, 2024 passed by the Metropolitan Magistrate, East Delhi, Karkardooma Court, in Complaint Case No. 56948/2016 under Section 138 of the Negotiable Instruments Act, 1881.² The Petitioner is the accused in the aforementioned proceedings. Through the impugned order, the MM has declared the Petitioner as a proclaimed person, and directed the concerned SHO to register an FIR against the Petitioner under Section 174 A of the Indian Penal Code, 1860.

¹ "BNSS"

² "NI Act"



2. Counsel for the Petitioner submits that the Petitioner had filed bail bond Form No. 45, wherein he had provided his residential address as Village Chhirpura, Tehsil Rahatgaon, District Harda, Madhya Pradesh, and had also furnished his Aadhar Card as proof of address. However, the Petitioner did not appear before the Trial Court on 30th October, 2023, resulting in the initiation of coercive measures against him, which included the issuance of non-bailable warrants,³ and the subsequent declaration of the Petitioner as a 'proclaimed person'. The NBW served on the Petitioner, which is annexed as Annexure-I to the petition, mentions the Petitioner's address as Krishi Sewa Kendra, Near bus Stand complex, Tirmarni, Rahatgam, Distt. Harda, MP-461228. The Petitioner asserts that he had vacated the address specified in the NBW long ago, and had, therefore, furnished his Aadhar Card as proof of residence when submitting the bail bond to update his address.

3. As regards the non-appearance of Petitioner before the Trial Court, counsel for the Petitioner explains that the Petitioner was in the process of making arrangements for the payment of the settlement amount. He, in fact, states that Petitioner is willing to abide by the statement made before the Trial Court on 19th August, 2023, whereby he volunteered to settle the matter by making a payment of INR 1,90,000/- and also paid INR 10,000/- as costs. In fact, the Petitioner has prepared a demand draft for the specified amount, a copy of which has been attached as Annexure-M. Since the validity of the demand draft is nearing expiration, counsel submits that the draft will either be renewed or issued afresh and presented to the Complainant before the Trial Court on the next date of hearing.

³ "NBWs"



4. It is noted that the NBWs were issued to an address where the Petitioner was not residing, despite him providing his Aadhar Card to update his address. Therefore, in the opinion of the Court, the coercive action taken against the Petitioner, including the issuance of the NBWs and the impugned order dated 26th September, 2024 declaring him a ‘proclaimed person,’ was based on an erroneous premise.

5. In light of the foregoing facts and circumstances, the present petition is allowed, and the order dated 26th September, 2024, is quashed. The Petitioner is directed to appear before the Trial Court on the next scheduled date, *i.e.*, 21st April, 2025.

6. With the above directions, the present petition is disposed of, along with pending applications.

SANJEEV NARULA, J

FEBRUARY 12, 2025

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