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

+ **CRL.M.C. 981/2025&CRL.M.A. 4522/2025 (Stay)**

V RAJ AHUJA

.....Petitioner

Through: Mr. Raneev Dahiya and Mr. Rahul
Lakhera, Advocates.

versus

ELLIS AHUJA JANAK

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **13.02.2025**

1. This hearing has been done through hybrid mode.

**CRL.M.A. 4521/2025 (Exemption) & CRL.M.A. 4523/2025 (Permission
to file lengthy synopsis)**

2. Allowed, subject to all just exceptions. The applications are disposed
of.

CRL.M.C. 981/2025 & CRL.M.A. 4522/2025 (Stay)

3. The present petition under Section 528 of the BNSS (Section 482 of the
Cr.P.C.) seeks the following prayers:

- “a) Pass an order to quash the Complaint case dated 26.06.2016 and
all its consequential orders thereto under Section 138 of the
Negotiable Instrument Act, 1881 issued by the Ld. Judicial
Magistrate First Class - 05, (Mahila Court), New Delhi, Patiala
House Courts in Criminal Cases No. 213 of 2017 in the matter titled
“*Ellis Ahuja Janak vs. V Raj Ahuja*”. and/or;
b) Pass such other and further orders as this Hon’ble Court may
deem fit and proper in the facts and circumstances of the case.”

4. The petitioner in the present petition seeks quashing of complaint filed



on behalf of the respondent under Section 138 of the Negotiable Instruments Act, pending before the learned Judicial Magistrate First Class - 05, (Mahila Court), New Delhi, Patiala House Courts.

5. The learned counsel for the petitioner submits that the subject cheque in question was stolen and the amount in the said cheque (written in numerals) reflects that the '9' has been over-written later on to make it an amount of Rs. 94,180/-, whereas the actual amount for the which the cheque in question was issued for was Rs. 4180/-; i.e., an amount accounting for the payment of due electricity bill. It is submitted that this reflects that the cheque in question was stolen and thereafter manipulated and submitted to the bank.

6. Certified copy of the cheque dated 20.01.2016 drawn on State Bank of Hyderabad, New Place Delhi Branch, has been handed up in Court today and the same is taken on record. In the said cheque, the amount in words is clearly mentioned as Rupees 'Ninety Four Thousand One Hundred Eighty'. The fact that the cheque in question has been stolen and the overwriting in the same, if any, is a matter of trial. In the present jurisdiction, this Court cannot decide disputed questions of fact. Hence, no grounds are made out. Accordingly, the present petition is dismissed and disposed of accordingly.

7. Pending application(s), if any, also stands disposed of.

8. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

FEBRUARY 13, 2025/bsr/Pc

Click here to check corrigendum, if any