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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1596/2025 & CRL.M.A. 7254/2025 (stay)**
M/S JANGID CONSTRUCTUION AND ORS.Petitioners
Through: Mr. Mohan Babu Agarwal, Advocate

versus

INDIABUILS INVESTMENT ADVISIOR LTD.Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER
08.04.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

1. The petitioner has sought quashing of order dated 18.01.2025 of the learned Trial Magistrate in proceedings under Section 138 Negotiable Instruments Act. It appears that while framing notice under Section 251 Cr.P.C., the question put was as to whether the demand notice bore correct address of the petitioner/accused and whether he received the demand notice. In response, the petitioner stated that the demand notice bore correct address but he did not receive the notice. After more than one year of framing the notice, the petitioner/accused filed an application seeking to rectify the answer and state that the demand notice did not bear correct address. That application was rejected by way of the impugned order.
2. Learned counsel for petitioners contends that under Section 362 Cr.P.C., the learned Trial Magistrate had power to carry out correction in the answer to the notice under Section 251 Cr.P.C. I find no substance in this argument. The provision under Section 362 Cr.P.C. deals with judgment and



final order disposing of a case. It does not deal with the changes sought in the answer to notice under Section 251 Cr.P.C.

3. Further, as correctly observed by the learned Trial Magistrate in the impugned order, having slept over the issue for more than one year, the petitioner cannot be allowed to raise the issue now. That too, since the answer to the notice under Section 251 Cr.P.C. is a crucial answer. It appears that petitioner is trying to retract the admission as regards address mentioned on the demand notice.

4. I am unable to find any merit in the petition. Therefore, the petition is dismissed with costs of Rs. 10,000/- to be deposited by the petitioner with the DHCLSC within one week. For compliance as regards costs, copy of this order be sent to the Trial Magistrate.

GIRISH KATHPALIA, J

APRIL 8, 2025/rk

Click here to check corrigendum, if any