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

+ CRL.M.C. 3581/2023 and CRL.M.A. 13596/2023

SMT KIRAN DEVI

.....Petitioner

Through: Mr. Tushar Swami and Ms. Sweta Rani, Advocates.

versus

NEERAJ KUMAR

.....Respondent

Through: Mr. Ravi Sharma and Mr. Aryan Chanda, Advocates.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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11.08.2025

1. The petitioner seeks to, *inter alia*, set aside an impugned order dated 18.03.2023 passed by the Learned Metropolitan Magistrate (NI Act)-04, South East District, Saket Courts, New Delhi in Complaint Case No. 7131/2021 *vide* which it was directed that the petitioner shall pay 20% of the cheque amount as interim compensation within 60 days.
2. It transpires that pursuant to an order dated 24.01.2024 passed by this Court, 10% of the cheque amount by way of interim compensation has been deposited by the petitioner in the Trial Court. Further trial proceedings are going on in accordance with law.
3. In the premise, without prejudice to his rights to contest the complaint filed against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 learned counsel for Petitioner submits that in case the aforesaid



interim compensation is not enhanced by this Court, he would not press the instant petition for quashing of the impugned order and face further trial in accordance with law.

4. However, counsel for the respondent opposes the aforesaid submissions and states that the present petition is liable to be dismissed on two counts, i.e. (i) on its maintainability (ii) even on merits as well.

5. Be that as it may, I am of the view that the impugned order is revisable under Section 397 of Cr.P.C. (438 of BNS). Accordingly, the petition is disposed of with liberty to the petitioner to seek its appropriate remedy before the competent Court. Time taken before this Court would not be reckoned towards counting of the limitation.

6. Petition is disposed of accordingly.

ARUN MONGA, J

AUGUST 11, 2025

kd/rs