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

+ **CRL.L.P. 250/2025**

ARUN MALHOTRA

.....Petitioner

Through: Ms. Simran Khurana, Advocate.

versus

KRISHAN JALAN

.....Respondent

Through: None.

+ **CRL.L.P. 253/2025**

ARUN MALHOTRA

.....Petitioner

Through: Ms. Simran Khurana, Advocate.

versus

KRISHAN JALAN

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **20.08.2025**

1. The Petitioner, who is also the Complainant, has filed the instant leave to appeal under Section 419(4) read with 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Sections 378(4) and 482 of the Code of Criminal Procedure²) assailing the judgments of acquittal dated 27th February, 2025, passed by the Judicial Magistrate First Class (NI Act)-08, South, Saket District Court, Delhi in Complaint Case No. 2957/2018 and Complaint Case No. 28950/2019 pertaining to an offence under Section 138

¹ "BNSS"



of the Negotiable Instruments Act, 1881³.

2. In a recent judgement of *Celestium Financial v. A. Gnanasekaran Etc.*⁴, the Supreme Court has held that in cases involving an offence under Section 138 of the NI Act, the complainant qualifies as a “victim” as defined under Section 2(wa) of CrPC. Therefore, the Complainant may proceed under the proviso to Section 372 of CrPC and need not invoke Section 378(4) of CrPC.

3. In light of the afore-noted judgment, counsel for the Petitioner seeks leave to withdraw the present petitions, with liberty to file an appeal under the proviso to Section 372 of CrPC.

4. Considering the above, the following directions are issued:

4.1. Leave and liberty granted. The Petitioner is permitted to file an appeal under the proviso to Section 372 of CrPC against the judgment of acquittal dated 27th February, 2025, in light of the decision of the Supreme Court in *Celestium Financial*.

5. In view of the above, the present leave to appeals are disposed of along with the pending applications, if any.

6. It is made clear that the Court has not commented on the merits of the case. All rights and contentions of the parties are left open.

SANJEEV NARULA, J

AUGUST 20, 2025/d.negi

² “CrPC”

³ “NI Act”

⁴ 2025 SCC OnLine SC 1320.