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

+ **CRL.M.C. 2611/2025, CRL.M.A.11712/2025 (for directions)**

MS. POONAM CHOPRA

.....Petitioner

Through: Mr. Rohit Jain, Advocate.
versus

STATE GOVT. OF NCT OF DELHI AND ANRRespondents

Through: Mr. Shoaib Haider, APP for the State
with SI Vikrant and SI Sanjeev, PS
Kalkaji.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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21.04.2025

CRL.M.A.11713/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CRL.M.C. 2611/2025

3. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioner, Ms. Poonam Chopra, for quashing of the Orders dated 24.02.2025 and 07.03.2025 in Complaint Case No. 190/2021, passed by the Court of learned JMFC-06, South-East District, New Delhi, for recall of the NBWs and the proceedings under Section 82 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.PC'*), which has been initiated *vide* the two Orders.
4. It is submitted that the Petitioner had taken a friendly loan of Rs.30,00,000/- from the Respondent No. 2, under the Loan Agreement dated



14.05.2018. Two cheques were given to the Respondent No. 2, which on presentation, got dishonoured. The Complaint under Section 200 of Cr.P.C. was filed on 11.01.2021. The Application under Section 156(3) of Cr.P.C. was dismissed on 06.04.2021. After the pre-summoning evidence, the Petitioner was summoned under Section 420 of the Indian Penal Code, 1860. The matter was amicably settled on 20.01.2024 whereby the Petitioner agreed to pay the loan amount of Rs.30,00,000/- in six equal monthly instalments. The entire agreed amount of Rs.30,00,000/- has been paid by 14.02.2025 but because of the delay of seven months, cost of Rs.1,00,000/- was imposed on 14.02.2025 and the fine was directed to be deposited on 21.02.2025. However, the Petitioner failed to appear and the warrants got issued on 24.02.2025.

5. The Application for cancellation of NBWs was dismissed on 01.03.2025 and 05.03.2025. Furthermore, the amount of Rs.1,00,000/- also stands paid to the Respondent No. 2 as informed to the Court on 07.03.2025 despite which proceedings under Section 82 Cr.P.C., have been initiated against the Petitioner.

6. Learned counsel for the Petitioner submits that the entire amount as per the Settlement stands paid and nothing more survives in the Complaint. Furthermore, the Complainant has also died on 04.03.2025. Therefore, it is submitted on behalf of the Petitioner that the Petitioner shall appear before the Court on the date i.e. 28.04.2025.

7. **Submissions heard and the record perused.**

8. On perusal of the order of the learned Metropolitan Magistrate, it is evident there was an angst about the callous attitude of the Petitioner, who has chosen not to appear before the learned Trial Court, despite repeated



directions. However, considering the totality of circumstances, no coercive action be taken against the Petitioner till the next date i.e. 28.04.2025, on which date, she shall appear in person before the Court of learned Metropolitan Magistrate, failing which the learned Metropolitan Magistrate may continue with the proceedings, in accordance with law.

9. The Petition is disposed of accordingly along with the pending Application.

NEENA BANSAL KRISHNA, J

APRIL 21, 2025/RS