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

+ **CRL.M.C. 3114/2025**

M/S SHIV DURGA PESTICIDES & ANR.Petitioners

Through: Mr. Somnatha Padhan, Mr. Aakash
and Mr. Swetab Kumar

versus

M/S DHANUKA AGRITECH LIMITEDRespondent

Through: None

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

05.05.2025

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

CRL.M.A. 13733/2025 (exemption)

1. Allowed, subject to all just exceptions.

CRL.M.A. 13734/2025 (for condonation of delay of 25 days in re-filing)

2. For the reasons mentioned therein, the application is allowed and delay in re-filing after removal of defects is condoned.

CRL.M.C. 3114/2025 & CRL.M.A. 13732/2025 (stay)

3. The petitioner has sought quashing of complaint case titled *M/s Dhanuka Agritech Ltd vs M/s Shiv Durga Pesticides & Anr.* under Section 138 Negotiable Instruments Act. The quashing is sought on two grounds. Firstly, it is contended that the cheques in question were stolen cheques; but that would be a matter of trial and according to learned counsel for petitioner, the allegation of theft is already pending trial in a court in Odisha. Secondly, it is contended that the magisterial court in Delhi lacks territorial



jurisdiction to deal with the said complaint case; on this aspect, learned counsel for petitioner seeks permission to withdraw this petition with liberty to move appropriate application before the learned trial magistrate.

4. Accordingly, the petition is dismissed as withdrawn with liberty as sought. Of course, depending upon outcome of such application, if any filed before the magisterial court, the petitioner shall be at liberty to approach this Court.

GIRISH KATHPALIA, J

MAY 5, 2025/as

[Click here to check corrigendum, if any](#)