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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3329/2025, CRL.M.A. 14631/2025 & CRL.M.A.
14632/2025

ASHISH JAIN

.....Petitioner

Through: Mr. Vivek Luthra, Advocate

versus

ASHISH GUPTA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.05.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 of the Code of Criminal Procedure, 1973) assails the summoning order dated 12th January, 2023 passed by Metropolitan Magistrate (NI Act), North District, Rohini in CC NI Act 1295/2022 and subsequent proceedings arising therefrom.
2. The aforesaid proceedings arise from a complaint made by the Respondent under Section 138 of the Negotiable Instruments Act, 1881 in respect of dishonour of cheque bearing No. 000222 dated 14th March, 2022 for INR 3,41,926/- drawn on ICICI Bank, Narela Branch, Delhi.
3. Counsel for the Petitioner points out that the Respondent has relied on a retuning memo dated 17th March, 2022 issued by Axis Bank Limited, Rohini Branch, Delhi [Exhibit CW-1/3] with respect to the aforesaid dishonoured cheque, however, the said returning memo pertains to



instrument No. 000912 for INR 2,75,351/-. A copy of the dishonoured cheque and the returning memo has been annexed with the petition. He argues that the proceedings before the Trial Court are thus liable to be quashed as the requisite returning memo has not been placed on record.

4. However, on a pointed query of the Court whether the cheque indeed has been dishonoured, counsel for the Petitioner responds in the affirmative. Since the dishonoured cheque is an admitted fact, the question of evidentiary value of the discrepant returning memo relied upon by the Petitioner shall be examined by the Trial Court during trial.

5. Thus, the Court is not inclined to entertain the present petition and accordingly, the present petition is dismissed along with pending applications.

SANJEEV NARULA, J

MAY 13, 2025/ab