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

+ CRL.M.C. 3550/2025

M/S RADHIKA CONFECTIONERYPetitioner
Through: Mr. Rakesh Kumar,
Advocate (through VC).

versus

M/S PRAKASH PIPES LIMITEDRespondent
Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **20.05.2025**

CRL.M.A. 15680/2025 (Exemption)

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

CRL.M.C. 3550/2025 & CRL.M.A. 15679/2025 (Stay)

3. The present petition is filed seeking quashing of complaint case bearing CC No. 5937/2023 filed by the respondent under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act').
4. The learned counsel for the petitioner submits that the complaint was concededly filed with a delay and was also accompanied with an application under Section 5 of the Limitation Act, 1963 seeking condonation of delay. The petitioner is aggrieved that the summons were issued without first condoning the delay in filing the complaint.
5. The application filed by the respondent under Section 5 of the Limitation Act, 1963 is annexed with the present petition as Annexure P4. The respondent has pleaded that the complainant company had given the original cheques and bank memos to its counsel for sending the legal notice. It has been pleaded that due to some renovation works being carried out in the learned

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counsel's office, the said original cheques and bank memos got tagged in some other case file by the clerk of the learned counsel which could only be traced after a lot of efforts, and the same consumed a lot of time. The complaint, thus, was filed with delay of 33 days.

6. In the opinion of this Court, the respondent has pleaded sufficient ground for condoning the delay.

7. Undisputedly, the learned Trial Court should not have proceeded without first condoning the delay, however, in order to save time not only of the parties but also of the learned Trial court, this Court finds it apposite to allow the application filed by the respondent seeking condonation of delay before the learned Trial Court. Thus, exercising inherent powers under Section 482 of the Code of Criminal Procedure, 1973, this Court condones the delay in filing the complaint case bearing CC No. 5937/2023 under Section 138 of NI Act.

8. The present petition is accordingly dismissed.

9. A copy of this order be communicated to the learned Trial Court for information.

AMIT MAHAJAN, J

MAY 20, 2025

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