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

+ CRL.M.C. 3694/2025, CRL.M.A. 23646/2025 (for bringing on record the additional facts)

M/S INDIA GLYCOL LTD

.....Petitioner

Through: Mr. Amit Chadha, Senior Advocate
with Mr. Gautam Dhamija, Mr. Parth
Dixit and Mr. Tushar Lamba,
Advocates.

versus

MR. PRAVEEN KUMAR

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **12.08.2025**

CRL.M.C. 3694/2025

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioner to challenge the Order dated 10.11.2023 of the learned Metropolitan Magistrate whereby the Complaint Case No. 1454/2019, titled '*M/s India Glycol vs. Mr. Praveen Kumar*' was dismissed for filing of fresh address of the Accused.

2. The learned Senior Advocate submits that the Accused was summoned in the Complaint under Section 138 of the Negotiable Instruments Act, 1881 (*hereinafter referred to as 'N.I. Act'*) but could not be served on account of non-availability of the address. The Complainant after engaging the Detective Agency, has been able to trace out the address of the Accused and intends to take steps for his service. It is further submitted that



though, the learned counsel for the Petitioner had tried to connect through VC on 10.11.2023 and apprise the Court about the availability of the address of the Accused but because of poor connectivity, he was unable to connect.

3. The perusal of the impugned Order dated 10.11.2023 shows that though, it was dismissed on account of non-availability of the address of the Accused, but in fact, it amounts to an acquittal of the Accused person.

4. In view of the Judgment of Celestium Financial vs. A. Gnanasekaran, 2025 SCC OnLine SC 1320 and Order of this Court in CrI.L.P.215/2021 dated 23.07.2025, it has been held that the Appeal against an acquittal in a Complaint under Section 138 of N.I. Act, lies before the learned Principal District & Sessions Judge, South-East, Saket Courts, New Delhi.

5. The Petition is permitted to be withdrawn with liberty to the Petitioner to file the same before the learned Principal District & Sessions Judge, South-East, Saket Courts, New Delhi. The condonation of delay Application may also be filed along with the Petition, which may be considered by the learned ASJ, in accordance with law.

6. The Petition is disposed of accordingly. Pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 12, 2025/RS