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

+ CRL.L.P. 332/2025 & CRL.M.A. 36084/2025

I.A. HOUSING SOLUTION PVT. LTD.Petitioner

Through: Mr. Yashvardhan, Mr. Devesh
Mohan, Mr. Gyanendra Shukla and
Mr. Pranav Das, Advocates
versus

RSL DEVELOPERS PVT. LTD & ORS.Respondents

Through: Mr. Manan Soni and Mr. Varun
Maheshwari, Advocates for R-2 and
R-3

(90)

+ CRL.L.P. 348/2025 & CRL.M.A. 36078/2025

I.A. HOUSING SOLUTION PVT. LTD.Petitioner

Through: Mr. Yashvardhan, Mr. Devesh
Mohan, Mr. Gyanendra Shukla and
Mr. Pranav Das, Advocates

versus

RSL DEVELOPERS PVT. LTD. & ORS.Respondents

Through: Mr. Manan Soni and Mr. Varun
Maheshwari, Advocates for R-2 and
R-3

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER
03.12.2025

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1. By way of the present leave to appeal, the appellant seeks setting



aside of the judgment dated 11.02.2025, passed by the learned JMFC (NI Act-08), South District, Saket Court, New Delhi, whereby Respondent No. 2 was acquitted of the offence under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') in Ct. Case 469997/2016 and Ct. Case 469995/2016.

2. At the outset, the learned counsel for the petitioner states that in view of the judgment of the Hon'ble Apex Court in the case of ***Celestium Financial v. A. Gnanasekaran***: 2025 SCC OnLine SC 1320, the petitioner being a victim is entitled to file an appeal against the judgment of acquittal and is not required to seek leave to appeal. He submits that the present petitions be transferred to the learned Court of Sessions to be treated as an appeal.

3. The Hon'ble Apex Court in the recent decision in ***Celestium Financial v. A. Gnanasekaran*** (*supra*) has opined that a complainant who prefers a complaint under Section 138 of the NI Act is an aggrieved party who suffers economic loss due to the dishonour of cheque, and such a complainant qualifies as a victim within the meaning of Section 2(wa) of the CrPC. Consequently, it was held that such a complainant is entitled to the benefit of the proviso of Section 372 of the CrPC, enabling them to maintain an appeal against an order of acquittal without seeking leave to appeal under Section 378(4) of the Cr.P.C.

4. The petitioner was the complainant in the complaint preferred under Section 138 of the NI Act, and is thus entitled to maintain an appeal under Section 372 of the Cr.P.C.

5. In terms of the proviso to Section 372 of the CrPC, an appeal by a victim against the judgment of acquittal passed by the learned MM will have



to be heard by the learned Court of Sessions. If the petitions are allowed to continue before this Court, the parties will stand to lose a forum of challenge.

6. In view of the above, the present matters are disposed of with direction that the present petitions be treated as an appeal under the proviso to Section 372 of the Cr.P.C. and numbered accordingly.

7. The earlier date fixed i.e. 12.12.2025 stands cancelled.

8. The Registry is directed to transfer entire record of the case, including the requisitioned copy of TCR, to the concerned appellate Court of Sessions.

9. The order be communicated to the concerned Principal District & Sessions Judge for compliance and listing before the concerned Appellate Court on 23.12.2025.

10. The parties are directed to appear before the concerned Appellate Court on 23.12.2025.

11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 03, 2025/ns

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