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

+ **CRL.M.C. 4939/2025**

**KOTHA VIJAYA LAKSHMI**

.....Petitioner

Through: Mr. Tej Pratap and Ms. Illashree,  
Advs.

versus

**THE STATE GOVT OF NCT OF DELHI AND ANR .....Respondent**

Through: Mr. Hitesh Vali, APP for the State

**CORAM:**

**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

% **25.07.2025**

**CRL.M.A. 21401/2025 & CRL.M.A. 21402/2025 EXEMPTION**

Allowed, subject to all just exceptions.

The applications stand disposed of.

**CRL.M.C. 4939/2025 & CRL.M.A. 21403/2025 STAY OF PROCEEDINGS**

1. This is a petition under Section 528 of BNSS for quashing of criminal complaint case bearing no. CC NI Act/9558/2022 pending before the court of learned JMFC (NI Act).
2. Learned counsel for the petitioner submits that there is no averment in the complaint filed by respondent no.2 under Section 138 NI Act to show the existence of any legal enforceable debt. According to him, there is no specific averment attributing any liability to the petitioner. However, the learned trial court without verifying the purchase orders, invoices or ledger



account evidencing any debt issued the summons.

3. Para 4 and 5 of the complaint reads as under:

*“04 That the accused thus being a dealer of the Complainant sells LED luminaries and lighting systems manufactured by the Complainant and is doing business in the name and style of “M/s Gowtham Enterprises” a proprietor firm of which the accused is the sole proprietor. The accused used to place requisite order/s vide customer code 00631 for the purchase of lightening and related products with the Complainant which were duly supplied by the Complainant from time to time as and when required by the accused and a ledger was maintained by the Complainant against the said customer code. As per the said ledger, an amount of Rs.16.24.843.57/- became outstanding and overdue to be paid by accused to the Complainant*

*05. That in order to discharge the said outstanding liability towards the Complainant, the accused issued an account payee cheque in favour of the Complainant, details whereof are as under:*

| <i>Chq No</i> | <i>Dated</i> | <i>Amount</i>             | <i>Drawn on</i>                                             |
|---------------|--------------|---------------------------|-------------------------------------------------------------|
| 002592        | 07.07.2022   | Rs.16,2<br>4,843.5<br>7/- | South Indian<br>Bank, Ghatkesar,<br>R.R.Distt.<br>Hyderabad |

4. The perusal of the aforesaid paras of the complaint, squarely reveals that there are specific averments regarding issuing of cheque by respondent no.2 in discharge of its liability.

5. At this stage, Mr. Tej Pratap, learned counsel for the petitioner seeks permission to withdraw the petition.

6. The statement made by learned counsel is taken on record, and the petition is dismissed as withdrawn.

7. At this stage, learned counsel submits that respondent no.2 is a



resident of Telangana, and therefore, directions be issued to the trial court for exempting the personal presence of respondent no.2 before the trial court.

8. Respondent no.2 is granted liberty to file such an application before the trial court.

**RAVINDER DUDEJA, J**

**JULY 25, 2025/ib/na**