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

+ CRL.M.C. 5085/2025, CRL.M.A. 22005/2025 & CRL.M.A.
22006/2025

ATS TOWNSHIP PVT LTD AND ORS

.....Petitioners

Through: Mr. Krish Kalra, Advocate

versus

DECCANS SAFETY GLASS WORKS PVT LTD

.....Respondent

Through: Mr. Arjun Dewan, Mr. Akash Arora,
Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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30.07.2025

1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 482 of the Code of Criminal Procedure, 1973) assails the order dated 05th June, 2025¹ passed by Judicial Magistrate First Class (NI ACT), Digital Court-03, South-East District, Saket, New Delhi, in CC NI ACT 3995/2023 titled “*Deccans Safety Glass Works Pvt Ltd v. ATS Township Pvt Ltd & Ors*”. By way of the impugned order, the Petitioners’ right to cross examine the Respondent – i.e., the Complainant has been closed.

2. Counsel for the Petitioners has highlighted several grounds to explain the delay on the part of the Petitioners that were beyond their control, eventually leading to the impugned order. Nonetheless, he urges that if an

¹ “the impugned order”



opportunity is granted again, he shall not seek any further adjournments and cross-examine the Complainant on the date fixed by the Trial Court.

3. Counsel for the Respondent, on the other hand, controverts all the submissions made by the Petitioners and states that the Petitioners have deliberately attempted to delay the proceedings which is evident from the fact that Petitioners sought as many as seven adjournments before their right was closed. Nevertheless, he states that Respondent is agreeable to the impugned order being set aside, subject to the imposition of costs, commensurate to the amount of the cheque in question and the Petitioners undertaking that they shall not delay the proceedings.

4. In view of the above, the present petition is allowed, and the impugned order dated 5th June, 2025, is set aside, subject to the payment of costs amounting to INR 50,000/- to the Respondent.

5. It is directed that counsel for the Petitioners shall not seek any further adjournments and shall cross-examine the witness on the date now fixed before the Trial Court, i.e., 18th August, 2025. It is clarified that in case, due to paucity of time, the cross-examination cannot be concluded on the said date, the Trial Court shall schedule further hearing as per its convenience.

6. With the above directions, the present petition is disposed of.

7. It is made clear that the Court has not commented on the merits of the case and all rights and contentions of the parties are left open.

SANJEEV NARULA, J

JULY 30, 2025/ab