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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 5490/2025 & CRL.M.A. 23498/2025,
CRL.M.A. 23499/2025

MADHAV PRASAD RAI

.....Petitioner

Through: Mr. Sujeet Kumar Mishra,
Mr. Sanjeev Kumar Jha,
Ms. Manjusha Jha, Mr.
Sunny Chaudhary & Mr.
Dharmendra, Advs.

versus

STATE GOVT. OF NCT DELHI & ANR.Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State.
SI Jitendra, PS Malviya
Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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05.12.2025

1. Petitioner seeks quashing of the CC No. 38129/2019 filed by the Respondent No. 2 under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act') on the ground that statutory notice was not served on him.
2. The petitioner relies upon his Aadhar Card which shows his address to be K-1 Extension, Mohan Garden, whereas the statutory notice is stated to have addressed petitioner at an address being K-1/4, Mohan Garden Extension.
3. The postal report shows that no person in the name of petitioner was found on the said address, where the statutory notice was sought to be served.
4. Concededly, the petitioner has been aware of the proceedings at least since November 2023. The present petition,



however, is filed almost after two years.

5. The learned counsel for the petitioner submits that on earlier occasion, no petition was filed because the petitioner was represented by another counsel.

6. Undisputedly the petitioner has filed the present petition belatedly. At this stage, once the trial has proceeded, this Court does not consider it apposite to entertain the present petition and adjudicate on the defence of the petitioner.

7. The petitioner is at liberty to take all arguments before the learned Trial Court at an appropriate stage.

8. The petition is dismissed in the aforesaid terms. Pending Application(s), if any, also stand disposed of.

AMIT MAHAJAN, J

DECEMBER 5, 2025
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