



\$~72

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

+ CRL.M.C. 7087/2025, CRL.M.A. 29727/2025 STAY

CRL.M.A. 29728/2025 EXMP.

MOHIT KUMAR

.....Petitioner

Through: Mr. Yuvraj Jaiswal, Mr. Shivam Patil,
Advs.

versus

STATE OF NCT OF DELHI & ANR. & ORS.....Respondents

Through: Mr. Digam Singh Dagar, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

08.10.2025

%

1. The present petition under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) has been filed seeking quashing of the summoning order dated 06.04.2022 and the criminal complaint in Case No. CC NI Act 749/2022 instituted by Respondent No.2, Small Farmer Agri-Business Consortium (SFAC).

2. It is pleaded that M/s DSM Poultry & Feeds, through its partner Mr. Hitender Kumar, had entered into an agreement with SFAC on 01.10.2015 and availed Venture Capital Assistance of ₹30.14 lakhs. A cheque for ₹7,99,431/- issued by Mr. Hitender Kumar was returned unpaid with the remark “drawer’s signature differs.”

3. The Petitioner was neither a signatory to the said cheque nor served



with any legal notice, and there are no specific allegations attributing any role to the Petitioner in the complaint. The complaint was filed beyond the prescribed period without condonation of delay, and hence, cognizance could not have been taken. Accordingly, the summoning order dated 06.04.2022 is alleged to be erroneous and unsustainable in law.

4. Quashing of the summoning order dated 06.04.2022 is now being sought *inter alia* on the grounds that the summoning order was passed mechanically without proper application of mind, leading to false prosecution of the Petitioner; the complaint was time-barred and no condonation of delay was made, the summoning order is without jurisdiction; no mandatory legal notice under Section 138(b) NI Act was served on the Petitioner; no specific role of the Petitioner in the firm's finances or cheque issuance has been alleged; the Petitioner was not involved in the cheque, transaction, or VCA agreement and has no contractual privity with Respondent No.2; the complaint does not show the Petitioner was responsible for the company or the cheque, as required under Section 141 NI Act and that the Petitioner had no role in the company's affairs or cheque issuance, the complaint lacks necessary averments, prosecution serves no purpose, and the Magistrate failed to apply judicial mind.

5. In the aforesaid backdrop, I have heard learned counsel for the petitioner, learned APP for the State and perused the material available on record.

6. At the outset, the perusal of the case file would show that not only the instant petition is highly belated as impugned herein is an order dated 06.04.2022 passed way back by the learned Trial Court, but even otherwise,



the aforesaid order was revisable. It appears that having not chosen to file any revision petition in order to bypass the hindrance of limitation, the present petition has been filed under Section 528 of BNSS, 2023.

7. I find no ground to interfere with the impugned order on that ground alone. The petition is accordingly dismissed. However, the dismissal of this petition shall not come in the way of the defence to be taken by the petitioner at the appropriate stage before the learned Trial Court. All the issues raised herein are left open to be adjudicated by the learned Trial Court.

ARUN MONGA, J

OCTOBER 8, 2025
acm