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

+ CRL.M.C. 7260/2025, CRL.M.A. 30463/2025, CRL.M.A.
30464/2025 & CRL.M.A. 30465/2025

YEKKALURU PRANEETHA

.....Petitioner

Through: Mr. Wills Mathews, Mr. Paul John
Edison, Mr. Dhanesh M. Nair, Ms. S.
Soorya Gayathry, Mr. D.K Tiwari,
Advocates

versus

STATE OF DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Krishan, PS Palam Village
SI Nitesh Mahiya, PS Sagarpur

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

13.10.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (formerly Section 482 of the Code of Criminal Procedure, 1973²) seeks quashing of complaint filed by Respondent No. 2 for the offence under Section 138 of the Negotiable Instruments Act, 1881³. The complaint is at the stage of framing of notice under Section 251 of Cr.P.C.
2. The Petitioner seeks quashing of the impugned complaint on three primary grounds:

¹ "BNSS"

² "Cr.P.C."

³ "NI"



- 2.1. That the legal notice issued after dishonour of the cheque does not mention the date of the cheque, and is therefore invalid.
- 2.2. The date of dishonour is erroneously mentioned as 03rd October, 2023 in the complaint whereas the actual date of dishonour is 23rd October, 2023.
- 2.3. In the condonation of delay application, the Petitioner has played a fraud by wrongly stating that the complaint was e-filed on 05th February, 2024 and registered on 17th February, 2023. On the contrary, the e-portal shows that the complaint was actually filed only on 17th February, 2024 and registered on 20th February, 2024. Accordingly, there was a delay of six days in filing the complaint.
- 2.4. The Trial Court condoned the delay, under a wrong impression that the delay is only of one day, as is apparent from the order passed on 14th August, 2024, which reads as follows:

“14.08.2024

Present: Ld. Counsel for complainant with complainant.

Perusal of the record reveals that there is one day delay in filing the present complaint. Ld. counsel for complainant submits that time was taken to upload the e-file and the delay was neither deliberate nor intentional but has occurred due to bonafied reasons.

Further he submits that irreparable loss and hardship will be caused to the complainant if the present application is not allowed.

Proposed accused has not appeared before this court despite court notice being issued. Therefore, this court will proceed to decide the application ex parte. Though I am not satisfied with the reasons of delay, application is allowed in the interest of justice. Delay in filing the present complaint stands condoned.

At 11:30 a.m.

At request of the Ld. counsel for the complainant, the summoning order is being passed without recording the pre summoning evidence.

Arguments on summoning advanced by the Ld. counsel for the complainant, have been heard.

Complaint, affidavit of evidence and documents considered in light of the arguments of the Ld. counsel for the complainant.

In view of complaint, documents produced and verification in



the form of affidavit of evidence, there are sufficient grounds for proceeding further against accused. Further, the delay in filing the present complaint has already been condoned. The bank account of the complainant is within the territorial jurisdiction of this court.

Contd.....

In view of the above, this court takes cognizance of the offence u/s 138 NI Act, qua the accused.

Let fresh summons be issued to the accused through all permissible modes including affixation, speed post, registered AD and electronic modes i.e. whatsapp and email returnable for next date of hearing, on filing of PF within 15 days and upon filing of an affidavit stating the e mail address and contact number of the accused and that the same are functional for the last 30 days.

In case the summons are sent via speed post/ registered AD, track report be filed on the next date of hearing along with the certificate u/s 65-B of Indian Evidence Act, 1872.

As per the guidelines laid down as in the case titled as "Damodar S. Prabhu Vs. Sayed Babalal H", AIR2010(SC) 1907, Ahlmad is directed to make a mention on the summons issued against the accused (by adding separate sheet, if required) that "accused can make an application for compounding of the offence at the first and second hearing of the case and if such an application is made, compounding may be allowed by the Court without imposing any costs on the accused."

List the matter on 25.11.2024 for appearance of accused and further proceedings."

3. The Court has considered the submissions of the Petitioner. None of the grounds raised warrant exercise of inherent jurisdiction under Section 528 BNSS to quash the complaint. The omission of the cheque date in the legal notice is of no consequence, as the date is clearly visible on the cheque itself. Similarly, the incorrect mentioning of the date of dishonour in the complaint is not material to the adjudication of the case. The same appears to be a typographical error.

4. As regards the allegation of misrepresentation regarding the filing date, the Court, *prima facie*, finds no *mala fide* intent on part of the Complainant. Even though the Complainant mentioned 05th February, 2024



as the filing date, they also mentioned 17th February, 2024 as the date of registration. The application for condonation of delay was premised on the date of registration, and condonation of delay of six days was sought. Thus, even if the Petitioner's contention is accepted and 17th February 2024 is treated as the actual date of filing, the delay would be of only six days. Consequently, the reasoning adopted by the Trial Court while condoning the delay would remain the same, and the mere reference to "one day delay" in the order dated 14th August, 2024 does not warrant interference

5. For the foregoing reasons, the present petition is dismissed along with pending application(s).

SANJEEV NARULA, J

OCTOBER 13, 2025/ab