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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 7573/2025 & CRL.M.As. 31694-31696/2025**
KALLANS TRADING AND ORS.Petitioners

Through: Mr. Adit S. Pujari, Mr. A. Nowfal,
Mr. Harshardham P. Sharma, Md.
Arif Gossain, Mr. Sanu Muhammed
P.K. and Mr. Mansoor Ali,
Advocates.

versus

SHELLZ INDIA PVT. LTD.Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **28.10.2025**

1. The Petitioners who are arrayed as accused seek quashing of Complaint CC No. 4462/2024, dated 30th September, 2024 for offences under Sections 138/142 of the Negotiable Instruments Act, 1881¹.
2. The aforesaid complaint relates to bouncing of cheque bearing No. 147478 for an amount of INR 3,00,000/-. This complaint was preceded by the issuance of a legal notice purportedly served on the Petitioners on 24th August, 2024. The principal grounds urged for quashing the proceedings are that the Complainant has allegedly suppressed material facts before the Trial Court. According to the Petitioners, the alleged liability under the said cheque stood discharged on 2nd August, 2024, much prior to the issuance of the demand notice. It is further contended that the complainant, in order to bring the notice within the statutory period of limitation, manipulated the dispatch particulars by procuring a back-dated courier receipt showing dispatch on 20th August, 2024, although the notice was actually booked with

¹ "NI Act"



DTDC Courier Service on 21st August, 2024.

3. The Court has considered the aforementioned contentions but does not find the same to be sufficient to invoke its jurisdiction under Section 528 of BNSS. It is pertinent to note that subsequent to the service of the statutory notice on 24th August, 2024, the Petitioners did not issue any reply or communication to the complainant asserting that the cheque amount had already been paid. Moreover, from a plain reading of the complaint, it is evident that there were continuing commercial transactions between the parties, and therefore, it cannot be conclusively determined in these proceedings whether the liability under the cheque in question stood discharged. This is a question, which have to be deliberated in the Trial Court at the appropriate stage.

4. Likewise, the allegation regarding the alleged manipulation of the courier receipt is again a matter which has to be adjudicated before the Trial Court.

5. In light of the foregoing, leaving all rights and contentions of the Petitioners open, the Court finds no reason to entertain the present petition.

6. Dismissed along with pending applications.

7. It is clarified that the observations made hereinabove are only prima facie in nature and shall not be construed as an expression of opinion on the merits of the case. The Trial Court shall consider all the grounds urged by the Petitioners on its own merits in accordance with law.

SANJEEV NARULA, J

OCTOBER 28, 2025

as