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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.L.P. 112/2025 & CRL.M.A. 5592-5594/2025
R.B. TECH ELECTRONICS PVT LTD.Petitioner

Through: Mr. Archit Arora, Advocate

versus

NARESH AGGARWAL & ANR.Respondents

Through: None

+ CRL.L.P. 161/2025 & CRL.M.A. 7120-7122/2025

R.B. TECH ELECTRONICS PVT LTD.Petitioner

Through: Mr. Archit Arora, Advocate

versus

NARESH AGGARWAL & ANR.Respondents

Through: None

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+ CRL.L.P. 162/2025 & CRL.M.A. 7123-7125/2025

R.B. TECH ELECTRONICS PVT LTD.Petitioner

Through: Mr. Archit Arora, Advocate

versus

NARESH AGGARWAL & ANR.Respondents

Through: None

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+ CRL.L.P. 163/2025 & CRL.M.A. 7126-7128/2025

R.B. TECH ELECTRONICS PVT LTD.Petitioner

Through: Mr. Archit Arora, Advocate



versus

NARESH AGGARWAL & ANR.Respondents

Through: None

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+ CRL.L.P. 164/2025 & CRL.M.A. 7130-7132/2025

R.B. TECH ELECTRONICS PVT LTD.Petitioner

Through: Mr. Archit Arora, Advocate

versus

NARESH AGGARWAL & ANR.Respondents

Through: None

56

+ CRL.L.P. 165/2025 & CRL.M.A. 7138-7140/2025

R.B. TECH ELECTRONICS PVT LTD.Petitioner

Through: Mr. Archit Arora, Advocate

versus

NARESH AGGARWAL & ANR.Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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11.03.2025

1. The present leave to appeal(s) have been filed against the judgment/order dated 7.10.2024 passed by the JMIC, District North West,



Rohini Court, Delhi titled as “**R. B. Tech Electronics Pvt. Ltd. Versus Naresh Aggarwal and Anr.**” whereby the Respondents i.e., accused no. 1 and 2 were acquitted in the complaint case(s) filed by the Appellant/complainant under Section 138 of the Negotiable Instruments Act, 1881 (‘NI Act’) on the sole ground that the complaints were filed premature.

2. Learned counsel for the Petitioner states that the relevant facts in each of the six petitions which led the Trial Court to conclude that the complaint was filed premature are as follows:

Item No.	Crl. L. P.	Date of Notice	Date of Posting of Notice	Date of Service of Notice	Date of Filing of Complaint case before Trial Court
51	112/2025	12.05.2017 (PDF page 52)	12.05.2017 (PDF page 59)	15.05.2017 (PDF page 61)	29.05.2017 (PDF page 39)
52	161/2025	12.05.2017 (PDF page 53)	12.05.2017 (PDF page 59)	15.05.2017 (PDF page 61)	30.05.2025 (PDF page 40)
53	162/2025	12.05.2017 (PDF page 54)	12.05.2017 (PDF page 60)	15.05.2017 (PDF page 62)	30.05.2025 (PDF page 40)
54	163/2025	12.05.2017 (PDF page 53)	12.05.2017 (PDF page 59)	15.05.2017 (PDF page 60)	30.05.2025 (PDF page 40)
55	164/2025	12.05.2017 (PDF page 54)	12.05.2017 (PDF page 60)	15.05.2017 (PDF page 62)	30.05.2025 (PDF page 43)
56	165/2025	12.05.2017 (PDF page 53)	12.05.2017 (PDF page 59)	15.05.2017 (PDF page 61)	30.05.2025 (PDF page 40)

3. The Trial Court had dismissed all the complaints of the



Appellant/complainant holding that the same are premature and non-maintainable since they have been filed prior to the expiry of stipulated period of 15 days.

4. Learned counsel for the Petitioner states on instructions that in accordance with the judgment of the Supreme Court passed in **Yogendra Pratap Singh v. Savitri Pandey**¹, more specifically at paragraph 41 therein, the Petitioner shall now file a fresh complaint before the Trial Court on the same cause of action within a period of three (3) weeks. The relevant paragraph 41 of the said judgment read as under:

41. Section 142 of the NI Act prescribes the mode and so also the time within which a complaint for an offence under Section 138 of the NI Act can be filed. A complaint made under Section 138 by the payee or the holder in due course of the cheque has to be in writing and needs to be made within one month from the date on which the cause of action has arisen under clause (c) of the proviso to Section 138. The period of one month under Section 142(b) begins from the date on which the cause of action has arisen under clause (c) of the proviso to Section 138. However, if the complainant satisfies the court that he had sufficient cause for not making a complaint within the prescribed period of one month, a complaint may be taken by the court after the prescribed period. Now, since our answer to Question (i) is in the negative, we observe that the payee or the holder in due course of the cheque may file a fresh complaint within one month from the date of decision in the criminal case and, in that event, delay in filing the complaint will be treated as having been condoned under the proviso to clause (b) of Section 142 of the NI Act. This direction shall be deemed to be applicable to all such pending cases where the complaint does not proceed further in view of our answer to Question (i). **As we have already held that a complaint filed before the expiry of 15 days from the date of receipt of notice issued under clause (c) of the proviso to Section 138 is not maintainable, the complainant cannot be permitted to present the very same complaint at any later stage. His remedy is only to file a fresh complaint; and if the same could not be filed within the time prescribed under Section 142(b), his**

¹ (2014) 10 SCC 713



recourse is to seek the benefit of the proviso, satisfying the court of sufficient cause. Question (ii) is answered accordingly.

5. He states that the aforesaid judgment has also been followed and clarified by subsequent judgment of the Supreme Court in **Gajanand Burange v. Laxmi Chand Goyal**². He states, therefore, the present petitions be disposed of reserving liberty to the Petitioner to approach the competent Court by filing a fresh complaint.

6. Accordingly, the aforesaid petitions are disposed of reserving liberty to the Petitioner to avail its remedy in accordance with law.

7. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MARCH 11, 2025/hp/ms

Click here to check corrigendum, if any

² 2022 SCC OnLine SC 1711