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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 2400/2026 & CRL.M.A. 9785/2026 & CRL.M.A. 9786/2026
SUHAIL AHMAD MAKHDOOMIPetitioner
Through: Mr. Irfan Muzamil, Advocate.

versus

EDUSOFT IT SOLUTIONS PVT. LTDRespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **01.04.2026**

1. Petitioner seeks quashing of complaint under Section 138 of Negotiable Instruments Act, 1881.
2. It is contended that the cheque in question does not bear signature of the petitioner herein and rather it was signed by his father and said aspect was made clear in the very beginning but despite that the abovesaid complaint is still going on.
3. However, when asked about the status of the case, learned counsel for the petitioner, in all fairness, submitted that the right of the petitioner to cross-examine complainant has been closed on account of his non-appearance. He submits that the petitioner is resident of the Jammu and Kashmir and, therefore, he could not appear before the learned Trial Court.
4. The present complaint is of the year 2019 and if the cheque was not signed by the petitioner, ideally speaking, the petitioner should have immediately filed the petition before this Court for seeking quashing of the abovesaid complaint case. His belated action, somehow, seems to emanate from the fact that his right to cross-examine the complainant has been closed.
5. After hearing arguments for some time, learned counsel for applicant,



without prejudice to his rights and contentions, does not press the present petition at this juncture. He, however, submits that he would move appropriate application before the learned Trial Court seeking one opportunity to cross-examine the complainant so that the facts become absolutely clear. He also submits that since the petitioner is resident of Jammu and Kashmir, he would also seek his exemption from personal appearance.

6. None appears on behalf of the complainant despite advance notice.

7. Keeping in mind the overall facts and circumstances of the case, the present petition is disposed of as not pressed, with the liberty as aforesaid.

8. All rights and contentions of the parties are reserved.

9. However, since the point raised is very short and precise, learned Trial Court is requested to give requisite priority to the complaint in question and to make best efforts to dispose it of as expeditiously as possible and preferable within this year.

10. The petitioner is also permitted to file appropriate application before the learned Trial Court seeking one last opportunity to cross-examine the complainant and his exemption from personal appearance. As and when, any such application is filed, the learned Trial Court would consider the same in accordance with law, after giving due opportunity of hearing to both the sides.

11. It is, however, made clear that this Court has not made any observation on the merits of the case.

MANOJ JAIN, J

APRIL 1, 2026/ss/js