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

+ CRL.M.C. 6420/2022

PRAHLAD BATRA AND ANR.

.....Petitioners

Through: Mr. M. K. Sharma, Mr. Abhishek
and Mr. S. Ishwarya, Advs.

versus

STATE (GOVT OF NCT OF DELHI) AND ANR.Respondents

Through: Mr. Satish Kumar, APP for State
with Mr. Gourav Singh and Ms.
Upasna Bakshi, Advocates
Mr. Arvind Vashistha, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **13.05.2026**

1. By virtue of the present petition, the petitioners seek quashing of the summoning order dated 03.09.2021 under *Section 138* of the Negotiable Instruments Act, 1881(*NI Act*) as also seek quashing of CC No.1178/2020 filed by the respondent no.2 before the Court of learned Metropolitan Magistrate, (NI Act-01), Dwarka Courts, New Delhi (*learned Trial Court*), against the present petitioner nos.1 and 2 who were arrayed as accused nos.1 and 3 respectively, as also against Mr. Jitender Batra and M/s Batra Infrastructures who were arrayed as accused nos.2 and 4 therein.

2. Learned counsel for the petitioners, while drawing the attention of this Court to the cheque bearing no. 437079 dated 07.03.2020 drawn on Syndicate Bank, Indira Park Branch, Delhi-110 045, submits that, as evident therefrom, the said cheque has been signed for and on behalf of Batra Infrastructure by Mr. Jitender Batra. As such, he submits that the petitioner nos.1 and 2 as also the M/s. Batra Infrastructures/ accused no.4,



are not concerned parties, who are in any way involved with the issuance of the cheque. Thus, he submits that no proceedings under *Section 138 NI Act* can proceed against any of them.

3. Learned counsel for the respondent no.2 does not controvert the same, and thus in view of the aforesaid as also the categoric admissions made by the accused no.2/ Mr. Jitender Batra in the present petition, submits that he has no objection if the present petition is allowed *qua* the petitioners herein.

4. As such, the present petition is allowed to the effect that the petitioner nos.1 and 2 being Mr. Prahlad Batra and Sarla Batra are dropped from the array of parties before the proceedings pending before the learned Trial Court and the same shall continue against the accused no.2/ Mr. Jitender Batra and Batra Infrastructure only.

5. In view thereof, learned counsel for the respondent no.2 submits that he shall take appropriate steps in accordance with law *qua* the same.

6. Needless to say, the observations made hereinabove, are only pertaining to the present petition and shall have no bearing in any other litigations *inter ser* the parties as also upon the adjudication of the proceedings in Complaint Case bearing no. 1178/2020 pertaining to the cheque bearing no. 437079 dated 07.03.2020 drawn on Syndicate Bank, Indira Park Branch, Delhi-110 045 pending before the learned Trial Court.

7. The present petition is disposed of in the aforesaid terms.

SAURABH BANERJEE, J

MAY 13, 2026/bh