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

\# **CNR No. DLHC010524812026**

\+ CRL.M.C. 8158/2026 & CRL.M.A. 34223/2026 & 34224/2026

RAJ KUMAR SHARMA .....Petitioner

Through: Mr. Siddharth Sharma with Ms. Ishika Chauhan, Mr. Naman Issrani, Mr. Kartikey Yadav and Mr. Shobhit Sharma, Advocates.
(M): 7042231351
Email: Shobhit.sharma9@pramatipartners.com

versus

REAL FORCE PROPERTIES LLP .....Respondent

Through: None.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

O R D E R

% 02.11.2026

1. The present petition has petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), read with Article 227 of the Constitution of India, 1950 ("Constitution"), seeking quashing of the summoning order dated 28th April, 2026, passed by the Judicial Magistrate First Class ("JMFC")-02/NI Act (South District), Saket, New Delhi, in *CC NI Act No. 13107/2025*.

2. Learned counsel appearing for the petitioner draws the attention of this Court to *Annexure P-11*, appended to the captioned petition, to submit that a Full and Final Agreement was signed and executed between the

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petitioner and the complainant on 11th December, 2025.

3. In particular, he draws the attention of this Court to paragraphs 01, 02, 03 and 04 of the said agreement to submit that the parties had already agreed not to press any legal cases for the recovery of the amount in question in view of the settlement.

4. On a pointed query by this Court during the course of hearing, learned counsel appearing for the petitioner has conceded that certain disputes between the parties are still pending even after executing the Full and Final Agreement dated 11th December, 2025.

5. Learned counsel appearing for the petitioner admits that the amounts payable to the complainant in terms of the said agreement, have not been paid by the petitioner as yet.

6. A perusal of the impugned order dated 28th April, 2026, clearly shows that the Trial Court has taken into account the statement made on behalf of the complainant that no settlement has been reached between the parties and that the complainant wishes to proceed with the matter on merits.

7. This Court notes the clear observations made by the Trial Court with regard to the issuance of the cheque and the dishonour of the cheque on the ground of 'funds insufficient'. Further, on a consideration of the complaint, the Trial Court has held in categorical terms that, *prima facie*, there are sufficient grounds for proceeding against the petitioner under Section 138 of the Negotiable Instruments Act, 1881 ("NI Act").

8. Thus, merely because the parties had earlier entered into a Full and Final Agreement, which ultimately did not fructify, would be no ground to not proceed against the petitioner on merits.

9. As noted hereinabove, the amounts in terms of the Full and Final

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Agreement have not been paid by the petitioner to the complainant.

10. Accordingly, the complainant is within its rights to proceed with the matter on merits.

11. This Court finds no error in the impugned order dated 28th April, 2026, passed by the JMFC-02/NI Act (South District), Saket, New Delhi, in *CC NI Act No. 13107/2025*.

12. At this stage, learned counsel appearing for the petitioner submits that it may be clarified that the issues before the Trial Court, including the issue of settlement, shall remain open.

13. Accordingly, liberty is granted to the petitioner to raise all such issues before the Trial Court.

14. In view of the above, the present petition stands dismissed. Pending applications, also stand disposed of.

15. Needless to state, the Trial Court shall decide the case uninfluenced by the observations made by this Court in the present order.

MINI PUSHKARNA, J

NOVEMBER 2, 2026
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