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

\# **CNR No. DLHC010529802026**

\+ CRL.M.C. 8234/2026 & CRL.M.A. 34519-34521/2026

GURLEEN KAUR .....Petitioner

Through: Mr. Gurvinder Singh, Advocate.

versus

STATE OF NCT OF DELHI & ORS. .....Respondents

Through: Ms. Kiran Bairwa, APP for State.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 03.11.2026

1. The present petition, filed under Section 482 of the Code of Criminal Procedure, 1973,[1] read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023,[2] seeks quashing of the proceedings initiated under Section 82 of the Cr.P.C. in Complaint Case No. 7218/2022, titled ***Ornate Agencies Pvt. Ltd. v. Gurudwara Sri Guru Singh Sabha & Ors***.

2. The aforesaid complaint, instituted by Respondent No. 2 under Section 138 of the Negotiable Instruments Act, 1881,[3] is pending before the Judicial Magistrate First Class (NI Act)-01, South District, Saket District Courts, Delhi. The Petitioner is arrayed as Accused No. 4 in the said proceedings.

3. It is pertinent to note that despite the complaint having been instituted

[1] "Cr.P.C."
[2] "BNSS"

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in the year 2022, the proceedings have not yet progressed to the stage of framing of notice under Section 251 Cr.P.C. *qua* the Petitioner.

4. The case of the Petitioner is that she was never served with summons in the complaint proceedings. It is, therefore, contended that the issuance of bailable and subsequently non-bailable warrants, followed by initiation of proceedings under Section 82 Cr.P.C., was unwarranted and liable to be set aside. It is further submitted that the proceedings are being conducted before a Digital Court and that the Petitioner had appeared through video conferencing on 26th April, 2025, on which date the Trial Court had recorded the presence of the accused persons. Counsel further submits that, despite the Petitioner having moved an application seeking cancellation of the process under Section 82 Cr.P.C., the same was dismissed on 24th May, 2025, accompanied by adverse observations regarding the Petitioner's conduct.

5. *Per contra*, counsel for the Respondent/Complainant submits that the Petitioner has deliberately avoided the proceedings, resulting in the matter remaining at the pre-notice stage despite having been instituted in the year 2022. It is further pointed out that even on 26th April, 2025, when the Petitioner claims to have appeared through video conferencing, the Trial Court had specifically recorded as under:

> *"Despite asking her again and again to switch on the camera, she has not opened her camera, accordingly, a cost of Rs.1,000/- is imposed on the accused to be paid to the complainant."*

6. It is, therefore, contended that the mere recording of the presence of the accused persons in the order dated 26th April, 2025 cannot be construed

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[3] "NI Act"

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as establishing the Petitioner's actual participation in the proceedings. Counsel further submits that, *vide* order dated 26th April, 2025, the Trial Court had specifically recorded that the application seeking cancellation of the process under Section 82 Cr.P.C. would be considered on the next date of hearing. The Trial Court had also directed counsel for the Petitioner to ensure her presence on the said date, failing which the application would be dismissed. However, since the Petitioner failed to appear before the Trial Court on 24th May, 2025, the application was dismissed. It is, therefore, contended that no infirmity can be attributed to the order passed by the Trial Court.

7. The Court has considered the aforenoted submissions and perused the orders passed by the Trial Court. The record indicates that the proceedings have remained stalled on account of the Petitioner's repeated non-appearance. It is also significant that, on 26th April, 2025, despite repeated directions by the Trial Court to switch on her camera, the Petitioner failed to do so. In these circumstances, the mere recording of the presence of the accused persons in the order dated 26th April, 2025 cannot, by itself, be treated as establishing the Petitioner's effective participation in the proceedings.

8. Further, despite being specifically directed to remain present before the Trial Court on 24th May, 2025, failing which her application seeking cancellation of the process under Section 82 Cr.P.C. would be dismissed, the Petitioner failed to appear on the said date. The Trial Court's observations regarding the Petitioner's conduct, therefore, cannot be said to be without basis.

9. At the same time, the Court cannot lose sight of the fact that the

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underlying proceedings arise out of a complaint under Section 138 of the NI Act, which have remained pending since 2022 without even reaching the stage of framing of notice. The cheques forming the subject matter of the complaint are stated to aggregate to INR 8,00,000/-.

10. In these circumstances, while the Petitioner's conduct does not warrant an unconditional indulgence. This Court is inclined to afford her one final opportunity to participate in the proceedings, subject to appropriate conditions. Accordingly, taking into consideration the nature of the proceedings, the amount involved and the fact that the Petitioner is a woman, the present petition is allowed subject to the following conditions:

i. The Petitioner shall pay costs of INR 50,000/- to the Complainant within a period of one week from today.

ii. Subject to the aforesaid payment, the proceedings initiated under Section 82 Cr.P.C. against the Petitioner shall stand cancelled, provided that the Petitioner appears before the Trial Court on 18th January, 2027, for the purpose of framing of notice under Section 251 Cr.P.C.

iii. In the event of failure on the part of the Petitioner to appear before the Trial Court on the aforesaid date, the Trial Court shall be at liberty to take appropriate coercive steps, in accordance with law, to secure her presence.

11. With the aforesaid directions, the present petition stands disposed of, along with pending applications.

SANJEEV NARULA, J

NOVEMBER 3, 2026/*hc*

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