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

% ***Date of Decision: 30th October, 2026***

\# **CNR No. DLHC010523452026**

\+ CRL.M.C. 8142/2026, CRL.M.A. 34152/2026, CRL.M.A. 34153/2026 & CRL.M.A. 34154/2026

CH LEKH RAJ EDUCATIONAL AND CHARITABLE TRUST & ORS. .....Petitioners

Through:

versus

S A INFOTECH PRIVATE LIMITED .....Respondent

Through:

77

\# **CNR No. DLHC010523462026**

\+ CRL.M.C. 8143/2026, CRL.M.A. 34155/2026, CRL.M.A. 34156/2026 & CRL.M.A. 34157/2026

CH LEKH RAJ EDUCATIONAL AND CHARITABLE TRUST & ORS. .....Petitioners

Through:

versus

S.A. INFOTECH PRIVATE LIMITED .....Respondent

Through:

78

\# **CNR No. DLHC010523472026**

\+ CRL.M.C. 8144/2026, CRL.M.A. 34158/2026, CRL.M.A. 34159/2026 & CRL.M.A. 34160/2026

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CH LEKH RAJ EDUCATIONAL AND CHARITABLE TRUST & ORS. .....Petitioners

Through:

versus

S.A. INFOTECH PRIVATE LIMITED .....Respondent

Through:

79

CNR No. DLHC010523492026

\+ CRL.M.C. 8145/2026, CRL.M.A. 34161/2026, CRL.M.A. 34162/2026 & CRL.M.A. 34163/2026

CH LEKH RAJ EDUCATIONAL AND CHARITABLE TRUST & ORS. .....Petitioners

Through:

versus

S.A. INFOTECH PRIVATE LIMITED .....Respondent

Through:

80

CNR No. DLHC010523502026

\+ CRL.M.C. 8146/2026, CRL.M.A. 34164/2026, CRL.M.A. 34165/2026 & CRL.M.A. 34166/2026

CH LEKH RAJ EDUCATIONAL AND CHARITABLE TRUST & ORS. .....Petitioners

Through:

versus

S A INFOTECH PRIVATE LIMITED .....Respondent

Through:

Appearance:

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For Petitioner: Ms. Anjaneya Mishra and Mr. Nidish Gupta, Advs.

For Respondent: Mr. Ashish Kr. Gupta, Mr. Anuj Kumar, Mr. Sachin and Ms. Pooja, Advs. with AR of respondent in person

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral):*

1. The present petitions have been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS")/Section 482 of the Code of Criminal Procedure, 1973 ("CrPC"), seeking quashing of the order dated 24th October, 2026, passed by the Court of the Judicial Magistrate (NI Act) – 06, South East, Saket, Delhi.

2. By way of the impugned order, the application of the petitioners herein, under Section 311 of the CrPC/Section 348 of the BNSS, for summoning the bank officials of the State Bank of India, Yamuna Nagar, Haryana Branch ("Bank") as witnesses, was dismissed.

3. Learned counsel appearing for the petitioners submits that in the present case, the respondent has instituted complaints under Section 138 of the Negotiable Instruments Act, 1881 ("NI Act"), on the basis of the cheques in question being dishonoured with the remarks 'Account Closed'.

4. It is the case of the petitioners that the petitioners had not intentionally got the said account closed, but it was closed by the Bank in view of the instructions and circulars of the Reserve Bank of India ("RBI").

5. Thus, it is the case of the petitioners that the petitioners had sought limited reopening of the defence evidence and summoning of the concerned

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bank officials for proving the circumstances and reasons for closure of the bank account.

6. Learned counsel appearing for the petitioners submits that the fact that whether the closure of the bank account was voluntary or pursuant to the directions of a competent authority, can only be ascertained through the examination of the concerned bank officials, and the relevant bank records. Therefore, denial of such opportunity would seriously prejudice the petitioners in establishing their defence before the Trial Court.

7. He submits that the letter dated 08th September, 2021, in this regard, was traced only recently, upon which the application was filed before the Trial Court, seeking permission to produce and prove the said document through competent bank officials and original bank records.

8. However, *vide* impugned order dated 24th October, 2026, the Trial Court has dismissed the said application, on account of which the present petition has been filed.

9. Learned counsel appearing for the petitioners has relied upon the judgment in the case of ***Adinarayana Versus P.N. Sridhar Bhattar, MANU/KA/2871/2013***, and the judgment in the case of ***Nagaraja Upadhya Versus M. Sanjeevan, 2007 SCC OnLine KAR 214,*** both passed by the High Court of Karnataka, in support of his submissions.

10. *Per contra,* learned counsel appearing for the respondent has vehemently opposed the present petitions.

11. He submits that the petitioners had issued a total of 30 (thirty) cheques to the respondent, which were dishonoured, leading to filing of 29 (twenty-nine) complaints.

12. He further submits that the petitioners owe a sum of approximately Rs.

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2,50,00,000/- (Rupees Two Crore Fifty Lacs only) to the respondent.

13. I have heard learned counsels for the parties, and have perused the record before this Court.

14. At the outset, it is to be noted that the application for reopening of defence evidence was filed by the petitioners herein, only at the stage of judgment before the Trial Court. Furthermore, the Trial Court has categorically recorded that there was balance of only a sum of Rs. 8383/- (Rupees Eight Thousand Three Hundred and Eighty-Three only) in the bank account of the petitioners herein, at the time of its closure which was grossly insufficient to honour the cheque in question.

15. Accordingly, it is clear that even if the account was closed on the instructions of the bank, the petitioners did not have sufficient amounts in their account.

16. The judgments relied upon by the petitioners are clearly distinguishable, as there is no finding contained therein *qua* the amount lying in the account being grossly insufficient and inadequate to honour the cheques in question. Thus, in these circumstances, since the account had not been closed at the instance of the accused therein, benefit was granted to the accused therein and they were not held guilty of the offence under Section 138 of the NI Act.

17. However, in the present case, even if it were to be taken that the accounts were not closed by the petitioners, but under the instructions of the RBI, no benefit would accrue in favour of the petitioners.

18. As noted hereinabove, the balance in the accounts of the petitioners was grossly inadequate in comparison to the amounts for which the cheques had been issued.

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19. No infirmity is found in the impugned order passed by the Trial Court.

20. The present petitions are accordingly dismissed.

21. Pending applications also stand disposed of.

MINI PUSHKARNA, J

OCTOBER 30, 2026

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