



2025:DHC:4371



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

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Date of Decision: 26.05.2025

+ **CRL.M.C. 3708/2025, CRL.M.A. 16314/2025 & CRL.M.A. 16313/2025**

SUNIT SURI

.....Petitioner

Through: Mr. Amitesh Chandra Mishra,
Advocate.

versus

STATE (GOVT OF NCT OF DELHI) AND ORSRespondents

Through: Mr. Nawal Kishore Jha, APP for
State.
Mr. Ajay Bahl, Advocate for R-2.

+ **CRL.M.C. 3709/2025, CRL.M.A. 16316/2025 & CRL.M.A. 16315/2025**

SUNIT SURI

.....Petitioner

Through: Mr. Amitesh Chandra Mishra,
Advocate.

versus

STATE (GOVT OF NCT OF DELHI) AND ORSRespondents

Through: Mr. Nawal Kishore Jha, APP for
State.
Mr. Ajay Bahl, Advocate for R-2.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The petitioner seeks invocation of inherent powers of this court to quash summoning orders dated 05.09.2018 (in CRL.M.C. 3709/2025) and



06.02.2019 (in CRL.M.C. 3708/2025) passed by the trial magistrate in proceedings under Section 138 Negotiable Instruments Act. It is pleaded, though not argued that challenge to the summoning orders is on the ground that the cheques in question were security cheques. That, in any case, would be a matter of trial.

2. It is contended on behalf of petitioner that he has already paid the entire cheque amount, but he is not aware as to against which cheque that amount was paid. In response to a specific query, learned counsel for petitioner submits that the alleged payment was made by the petitioner to the respondent on 31.01.2019.

3. Admittedly, the offence in case of CRL.M.C. 3708/2025 took place on 15.12.2018 when despite expiry of period of statutory notice, the cheque amount was not paid; and the offence in case of CRL.M.C. 3709/2025 took place on 30.08.2018.

4. In other words, the alleged payment by the petitioner to the respondent was done subsequent to committing of the offence in both these cases. That being so, the said payment would have no bearing on the criminal liability of the petitioner. It is nobody's case that parties have compounded the offence.

5. At this stage, learned counsel for petitioner submits that petitioner is ready and willing to settle the disputes with the complainant (*respondent no.2 herein*). But for that, the petitioner ought to have filed an appropriate



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application before the Magisterial Court, which is the court of original jurisdiction in such matters.

6. Even otherwise, there is no explanation for such delayed petitions, assailing the summoning orders of the year 2018 and 2019.

7. In view of above discussion, I find no merit in these petitions. The petitions and the accompanying applications are dismissed.

8. At this stage, learned counsel for petitioner seeks permission to try and settle the disputes before the learned Magisterial Court. The petitioner is granted liberty, making it clear that the above observations shall not be read as an impediment in the exercise of settlement between the parties in accordance with law.

**GIRISH KATHPALIA
(JUDGE)**

MAY 26, 2025/DR