



2026:DHC:1426



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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 17<sup>th</sup> February, 2026*

+ CRL.M.C. 1319/2026 &amp; CRL.M.A. 5311/2026

HEMANT MAHESHWARI

.....Petitioner

Through: Mr. Shashi Shankar with Ms. Pooja  
Mohanani, Advocates.

versus

M/S ASPRA AUTOMOTIVE PVT LTD &amp; ORS.....Respondents

Through: None.

**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner had filed a complaint under Section 138 read with Section 142 of *Negotiable Instrument Act, 1881* (NI Act) against the respondents herein.
2. According to the complainant, he had extended financial help and *in lieu* thereof, the cheque in question was issued which, when presented, returned unpaid for the reason “account closed”.
3. Fact, however, remains that the complaint bearing No.4202/2021 which had been filed on 31.08.2021 was not pursued diligently and, therefore, the learned Trial Court dismissed such complaint for non-prosecution on 23.04.2025. It also recorded that, even earlier, the complaint had been dismissed on account of continuous absence of the complainant and that such earlier dismissal order was set aside by the learned Revisional Court but thereafter also, there was no appearance from the side of the complainant and no steps had been taken to lead pre-summoning evidence. Observing that the



complainant had lost interest in pursuing the abovesaid complaint, the same was, thus, dismissed for non-prosecution.

4. The abovesaid order was challenged by petitioner by filing a Revision Petition and learned Principal District and Sessions Judge, New Delhi District has dismissed such Revision Petition on 07.11.2025. Admittedly, there was delay in lodging the Revision Petition as well and since there was no explanation coming from the side of the Revisionist as to why the Revision Petition had been filed belatedly, the learned Revisional Court formed view that the Revision Petition was not entertainable, being barred by limitation. Even with respect to merits of the matter, the learned Revisional Court observed that the complainant was completely negligent in prosecuting his case and despite suffering dismissal order earlier also, there was no change in the manner of prosecution of the abovesaid complaint and, therefore, no indulgence was granted to him.

5. Such order is under challenge.

6. Learned counsel for the petitioner does admit that the complainant was not pursuing his complaint in the desired manner. He, however, submits that the said complaint was filed during COVID period and when the functioning of the Courts was completely resumed, the petitioner, somehow, lost track of the matter which resulted in dismissal. He submits that there would not be any further delay or default on his part. He states that the petitioner has not taken recourse to any civil remedy and if the complaint is not restored, it would cause serious prejudice to him, particularly, when the cheque is of substantial amount. Learned counsel for the petitioner also submits that he would abide by any condition to be imposed upon him in this regard.

7. There is no requirement of issuing any notice of the present petition to



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the respondents as the complaint had been dismissed at a pre-summoning evidence stage, that, too, on account of non-prosecution of the matter. When the abovesaid Revision Petition was taken up by the learned Revisional Court, it was also *dismissed-in-limine*, on the same day.

8. Though, there is no illegality or perversity in the impugned order and the petitioner is himself responsible for his miseries, on account of lackluster approach shown in conducting and pursuing said complaint, keeping in mind the overall facts of the case and in the interest of justice, the petitioner is given one last and final opportunity to pursue his matter in diligent manner. Resultantly, the impugned order dated 07.11.2025 is set aside and the complaint in question i.e. complaint No.4202/2021 stands restored to its original position and number, subject to petitioner depositing cost of Rs.30,000/- with Delhi Legal Services Authority, New Delhi within two weeks from today.

9. Petitioner/complainant is directed to appear before the Court of learned Chief Judicial Magistrate, New Delhi on 10.03.2026 at 2:00 PM for necessary allocation.

10. Pending application also stands disposed of.

**(MANOJ JAIN)**  
**JUDGE**

**FEBRUARY 17, 2026/st/sa**