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

% ***Date of Decision: 21st April, 2026***

+ CRL.M.C. 3018/2026 & CRL.M.A. 12275/2026 & CRL.M.A.
12276/2026

MR RAMESH CHAND ARORAPetitioner

Through: Mr. Prashan Sodhi, Mr. Randeep
Sachdeva, Mr. Shivaang Gupta, Mr.
Sohhom Sau, Mr. Mukund Sharma &
Mr. Dhruv Pande, Advs.

versus

RITU MAIRA AND ORS.Respondent

Through: Mr. Anil Kr. Batra, Mr. Dhruv Kumar &
Mr. Sharn Bala, Advs.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Respondent Ritu Maira had filed a complaint under Section 138 of Negotiable Instruments Act, 1881, way back in the year 2019.
2. The complaint was based on one *Memorandum of Understanding* (MoU) dated 22.02.2018, executed between respondent and the accused persons and, in terms of such MoU, the complainant had lent Rs. 25,00,000/- to the accused company on 22.02.2018 by way of a cheque drawn on *Indian Overseas Bank*. However, when the “*repayment of the loan*” was sought by the complainant, it was put off on one pretext or another. Eventually, when the cheque was issued by the accused company, it returned *dishonored* with the remarks ‘*funds insufficient*’. A statutory legal notice was served upon the accused persons on



09.08.2019 and since the legal notice did not yield any result, the abovesaid complaint was filed.

3. The complaint is already at the stage of final arguments.

4. It was at that stage only that the accused filed an application under Section 311 Cr.P.C. seeking examination of the *Assessment Officer of Income Tax Authority*, so that the *Income Tax Returns* (ITRs) of the complainant, for the relevant financial years during which the alleged transaction had taken place, are placed on record.

5. The accused contends that the complainant had not advanced the disputed amount of Rs. 25,00,000/- towards any loan but it was, rather, an investment made with the accused-Company, which was subject to market risk.

6. Such application was dismissed by the learned Trial Court while, *inter alia*, observing that the amount in question which was advanced by the complainant to the accused was never by way of any cash transaction and, therefore, there was no point in ascertaining the financial capacity of the complainant by seeking her ITRs. It also observed that the dispute of the accused was with respect to the “*purpose of the transaction*” and “*not the transaction itself*”.

7. Such order was assailed by the accused by filing a revision petition which too has also been dismissed by the learned Revisional Court on 02.04.2026.

8. Heard.

9. The reasonings given by the learned Trial Court as well as by the learned Sessions Court, do not call for any interference.



10. Admittedly, it's not a case where there was any cash transaction and in terms of MoU, the amount was advanced by the complainant as a loan and the cheques, towards repayment, were issued returned *dishonored* for insufficient funds.

11. Since the aspect of financial capacity of the complainant is not under question and since alleged loan amount was given through cheque, there is no real purpose behind seeking her ITRs.

12. It is not permissible for the accused to peep into the ITRs of the complainant, unless he is able to supply some cogent reason. The fact, whether the cheques in question were towards repayment of loan or not, can be independently answered, without going into the ITRs of the Complainant.

13. There is one more aspect of the case.

14. Though, the present petition has been filed under Section 528 of BNSS, for all practical purposes, it is a second revision petition by the same petitioner, which is not permissible in the eyes of the law. It is settled position that the inherent powers provided under the Cr.P.C. (now BNSS) cannot be utilized for exercising powers which are expressly barred. Reference in this regard be made to *Sharma Welding Store & Ors. v. Fortune Weld* 2025 SCC OnLine Del 10563, *Dharampal and others v. Ramshri (Smt) and others* (1993) 1 SCC 435, *Deepti alias Arati Rai v. Akhil Rai and others* (1995) 5 SCC 751, *Kailash Verma vs. Punjab State Civil Supplies Corporation*, (2005) 2 SCC 571. Moreover, there is nothing to suggest or indicate that there is any serious miscarriage of justice or abuse of the process of the Court, necessitating interference by this Court by invoking its inherent powers.



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15. This Court, thus, does not find any merit in the present petition and same is, accordingly, dismissed.

(MANOJ JAIN)
JUDGE

APRIL 21, 2026/jk/pb