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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5633/2023**

SMT SIMMI MALHOTRA Petitioner

Through: Mr.Saurav Seth, Ms.Shobha Gupta
and Mr.Puneet Sharma, Advocates.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through: Ms.Shubhi Gupta, APP for State.
Mr.Vinay Gautam, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **12.12.2023**

CRL.M.A. (To Be Numbered)

1. The present application has been filed on behalf of respondent no.2 seeking condonation of delay in filing Reply.
2. For the reasons stated, the application is allowed.
3. The Reply is permitted to be taken on record.

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4. The present petition has been filed impugning the summoning order dated 23rd April, 2018, passed by the learned Metropolitan Magistrate (NI Act), Central District, Tis Hazari Courts, Delhi in a complaint under Section 138 of the Negotiable Instruments Act, 1881 (NI Act) filed by the respondent no.2/complainant against the petitioner.
5. Counsel for the petitioner has drawn the attention of the Court to the cheque in question. He submits that the said cheque does not bear the signature of the petitioner, nor has it been drawn from the account of



partnership firm SDS Designs Studio, the firm in which the petitioner is a partner.

6. He further submits that even the guarantee purportedly given by the petitioner in favour of the main accused, Mr.Krishan Kumar, has not been signed by the petitioner.

7. Reply has been filed on behalf of the respondent no.2 wherein it has not been disputed that the cheque in question has been drawn from the Mr.Krishan Kumar's personal bank account and not from the account of partnership firm SDS Designs Studio, where the petitioner is a partner.

8. Even the guarantee, relied upon by the respondent no.2, has been signed by Mr.Krishan Kumar and not the aforementioned partnership firm or the petitioner.

9. In these circumstances, there shall be a stay of proceedings before the learned MM till the next date of hearing, in so far as the petitioner is concerned.

10. List on 10th April, 2024.

AMIT BANSAL, J

DECEMBER 12, 2023

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