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

+ **CRL.L.P. 492/2017**

STARKEY LABORATORIES INDIA PVT LTD Petitioner

Through: Mr Vikrant Pachnanda, Advocate.

versus

SANJAY GUJRAL

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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24.09.2019

1. The petitioner has filed the present petition, *inter alia*, seeking leave to appeal against an order dated 30.03.2017 passed by the learned Metropolitan Magistrate, thereby rejecting the petitioner's complaint under Section 138 of the Negotiable Instruments Act, 1881.
2. The petitioner's complaint related to the dishonour of a cheque (No.00054 dated 09.10.2014 drawn on Bank of India, Dilshad Garden branch for a sum of ₹2,00,000/-). It is stated that the said cheque was issued by the respondent at the beginning of their business relationship in the year 2011 as a security.
3. The petitioner claims that it is in the business supplying hearing aids and had supplied the said products to the respondent. The petitioner stated that as on 11.10.2012, a sum of ₹1,49,569/- was outstanding against the respondent.

4. It was the respondent's case that their accounts had been settled as he had returned certain products, which had been supplied to him and the credit for the same had not been accounted for.
5. The undisputed facts are that the petitioner was in possession of a blank cheque furnished by the respondent.
6. As per the books of the petitioner, a sum of ₹1,49,569/- was outstanding as on 11.10.2012. However, the petitioner waited for over two years to fill an amount of ₹2,00,000/- in the said blank cheque and deposited the same. According to the petitioner, the amount of ₹1,49,569/- had increased to ₹2,16,247/- as on the date of depositing the cheque, on account of interest calculated at the rate of 24% per annum.
7. The trial court had noted that there was no contract or arrangement whereby the respondent had agreed to pay any interest.
8. In the aforesaid view, the petitioner had been unable to establish that the cheque of ₹2,00,000/- had been issued by the respondent against any such liability. Even if it is accepted that the sum of ₹1,49,569/- was due from the respondent as on 11.10.2012, as deposed on behalf of the petitioner, the liability of ₹2,00,000/- was not established.
9. The view taken by the trial court is a plausible one and thus no interference is called for by this Court. Accordingly, the petition is dismissed.

VIBHU BAKHRU, J

SEPTEMBER 24, 2019

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