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* IN THE HIGH COURT OF DELHI AT NEW DELHI
% Date of Decision: 3rd February, 2026
+ CRL.M.C. 915/2026 & CRL.M.A.3625/2026 & CRL.M.A. 3626/2026 & CRL.M.A. 3627/2026 & CRL.M.A. 3680/2026
RAJEEV GUPTA & ANR.Petitioner

Through: Mr. Raja Choudhary, Mr. Dhruv Tiwari, Ms. Anushika Mishra, Mr. Kapil Kumar Sharma and Mr. Devender, Advocates

versus

M/S FASHION MAKERS GROUPRespondent
Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN
JUDGMENT (oral)

1. Present petition has been filed by two petitioners i.e. Mr. Rajeev Gupta and Mr. Surender Kumar.
2. They have been shown accused in 12 complaints filed under Section 138 of Negotiable Instruments Act, 1881 and when these complaints were taken up by the learned Magisterial Court on 19.01.2026, they chose to appear through *videoconferencing*, despite specific direction from the learned Trial Court to appear in physical mode. When the matter was taken up at 12.15 PM same day, since accused had again chosen to appear through *videoconferencing* and there was no explanation as to why they were not appearing physically, the concerned SHO has been directed to take immediate action against aforesaid two accused persons and to file compliance report.
3. In context of petitioner no. 1 Mr. Rajeev Gupta, it has been vehemently contended that though Mr. Rajeev Gupta had been earlier declared '*absconder*' in the aforesaid cheque bouncing cases, fact, however, remains



that Mr. Rajeev Gupta filed a petition seeking quashing of all such FIRs which had been registered under Section 174 of Indian Penal Code with Police Station IGI Airport, which emanated from the proclamation proceedings in the aforesaid cheque bouncing complaints only and this Court, *vide* order dated 31.10.2025 passed in CRL. M.C. No. 7687/2025, allowed aforesaid application while holding as under:-

"6. There is an additional legal facet. Section 174 of the IPC penalises non-attendance in obedience to a lawful order, but the offence is limited to intentional omissions. Where on-appearance arises from circumstances beyond one's control, such as lawful custody elsewhere, the requisite intent is lacking and the provision does not apply. More importantly, the criminal law has a structured mechanism to deal with precisely such situations. The Court can issue production-warrant under Section 267 CrPC (now Section 349 BNSS) to secure presence of a prisoner in custody, rather than presume evasion. To short-circuit that process by declaring a prisoner as an absconder, and by directing registration of FIRs premised on wilful evasion, is a misdirection in law. Accordingly, the continuation of the impugned FIRs under Section 174 IPC, premised on an untenable assumption of wilful evasion, is wholly unjustified and constitutes an abuse of the process of law.

7. In view of the above, the present petition is allowed. FIR Nos. 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544 and 545 of 2025, registered at Police Station IGI Airport, New Delhi, are hereby quashed qua the Petitioner, Rajeev Gupta. For clarity, proceedings against the co-accused, Surender Kumar, are unaffected and shall proceed in accordance with law.

8. The Trial Court in the NI Act matters is at liberty to secure the Petitioner's presence, as required, by issuing appropriate production warrants under Section 267 of Cr.P.C. (now Section 349 of BNSS) or by permitting appearance through counsel/VC where law permits, so that the underlying complaints may progress without avoidable delay."

4. Learned counsel for petitioners submits that presently, the relief is merely confined to petitioner Mr. Rajeev Gupta. He submits that next date before the learned Trial Court is 05.02.2026 and Mr. Rajeev Gupta would ensure that he appears before the learned Trial Court physically and apprise



the said Court that the coercive order does not exist any further, in view of the order dated 31.10.2025.

5. None appears on behalf of respondent/complainant M/s Fashion Makers Group, despite advance notice.

6. However, in view of the aforesaid statement made by learned counsel for petitioner no. 1 Mr. Rajeev Gupta that Mr. Rajeev Gupta would appear physically before learned Trial Court and would apprise about the background facts and aforesaid order dated 31.10.2025, the present petition is disposed of with direction that no further coercive process be taken against petitioner no. 1 Mr. Rajeev Gupta till 05.02.2026.

7. As undertaken today, petitioner no. 1 Mr. Rajeev Gupta would appear before the learned Trial Court physically, along with his counsel and, thereafter, learned Trial Court would be at liberty to proceed further with the matter, in accordance with law. It will be entirely upto the petitioners to move appropriate application seeking exemption from personal appearance through counsel for future dates. As and when any such application is moved, learned Trial Court shall consider the same in accordance with law, after giving due opportunity of hearing to both the side.

8. Petition stands disposed of in aforesaid terms.

9. Pending applications also stand disposed of in aforesaid terms.

10. A copy of order be given *dasti* to petitioner under the signatures of Court Master.

**(MANOJ JAIN)
JUDGE**

FEBRUARY 03, 2026/dr/js