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

+ CRL.M.C. 302/2011

A E P SURESHAN

Through

..... Petitioner

Mr. A.P. Vinod, Adv.

versus

STATE & ANR

Through

..... Respondent

Ms Fizani Husain, APP

Mr. Ashutosh Lohia, Adv.

CORAM:

HON'BLE MR. JUSTICE M.L. MEHTA

ORDER

16.11.2011

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This is a petition under section 482 Cr. P.C filed by the petitioner seeking quashing of complaint NDMC Vs. Karvy Consultants & Ors pending in the court of learned MM at Patiala House Court, New Delhi.

The respondent had filed a complaint under section 251/363(1) of NDMC Act 1994 against M/s. Karvy Consultants Limited, B.L. Jindal and Smt. Anita Gupta and the present petitioner in the court of learned MM at Patiala House Court on the allegations that the premises No. MB-7, Indraprakash Building, 21, Barakhamba Road, New Delhi occupied by M/s Karvy Consultants Ltd. was being misused as office in contravention of the provision of NDMC Act.

In the summary proceedings conducted by the learned MM, the petitioner M/s Karvy Consultants Ltd. and Smt. Anita Gupta pleaded guilty and were sentenced to pay fine of Rs.5,000/- and Rs.1,000/- respectively.

The matter was pending before the learned MM against the petitioner at the stage of consideration of notice against him. The petitioner has prayed quashing of the said complaint against him on the ground that he was not in the employment of M/s. Karvy Consultants Ltd. on the date of inspection on 6th July, 2000. According

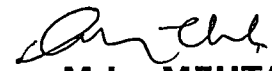
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to him he had left the services of this company with effect from 18.04.2000 and joined a company at Uzbekistan. He has placed on record copy of his resignation letter from M/s. Karvy Consultants Ltd. with effect from 18.04.2000 and also his having taken employment with a company named Stahel at Uzbekistan with effect from May 2000. The petitioner has also placed on record copies of his passport and visa. One of the entries regarding visa shows that he was away to Uzbekistan from 11.06.2000 to 11.07.2000. Another entry shows his visa from 17.07.2000 to 16.08.2000.

Keeping in view the fact that he had resigned from the employment of M/s. Karvy Consultants Ltd., the company whose office was being run from the premises in question, and that the petitioner was not in Delhi on the date of incident on 06.07.2000, but, was away to Uzbekistan, no case seemed to have been made against the petitioner.

For all these reasons, the aforesaid complaint against the petitioner is liable to be quashed. It is ordered accordingly and the petition stands disposed of.


M.L. MEHTA,J

NOVEMBER 16, 2011

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