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

Date of Decision: February 20, 2015

+ CRL.M.C. 2512/2012 & CrI. M.A. No. 12973/2012

DILIP ROY CHOUDHURY Petitioner

Through: Mr. S.K. Bhaduri & Ms. Kirti
Parmar, Advocates

versus

SOLUTION INFOTECH INDIA P.LTD. Respondent

Through: Mr. Puneet Sharma, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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In this petition, quashing of complaint Case No. 467/2011, titled as “*Solution Infotech India Pvt. Ltd. Vs. Anjali Roy Choudhury & Anr*”, under Section 138 of Negotiable Instruments Act, 1881 and the summoning order of 24th January, 2007 is sought on merits.

At the hearing, it was brought to the notice of this Court that the matter is now pending before the trial court for recording of statement of petitioner-accused under Section 313 Cr. P.C. However, it was vehemently submitted by learned counsel for petitioner that in view of the dictum of the Apex Court in “*Aneeta Hada Vs. Godfather Travels & Tours*”, the continuation of

proceedings arising out of complaint case in question is an abuse of process of the court.

Since the matter is now at the final stage, before the trial court, therefore, this court is not inclined to exercise its inherent extraordinary jurisdiction under Section 482 Cr. P.C. to quash the complaint or the summoning order. Petitioner is at liberty to raise the pleas taken herein before the trial court at the final hearing.

This, petition is disposed of with the aforesaid liberty, while not commenting on the merits of the case.

(SUNIL GAUR)
JUDGE

FEBRUARY 20, 2015

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