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

Judgment delivered on: 10th December, 2015

+ CRL.M.C. 3498/2010

SRF LTD.

..... Petitioner

Represented by: Mr. S.S. Gandhi, Sr. Adv. with
Mr. Sanjeev Narula and Ms. Meha Rashmi,
Advs.

versus

STATE & ANR

..... Respondents

Represented by: Mr. Ravi Nayak, APP for State

+ CRL.M.C. 3648/2010

ARUN BHARAT RAM

..... Petitioner

Represented by: Mr. S.S. Gandhi, Sr. Adv. with
Mr. Sanjeev Narula and Ms. Meha Rashmi,
Advs.

versus

STATE & ANR.

..... Respondents

Represented by: Mr. K.K. Ghai, APP for State

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. By way of the present petitions filed under Section 482 Cr.P.C. petitioners seek directions thereby quashing of the order dated 09.06.2010 passed by learned ACMM in Complaint No. 1110/2001 and consequently quashing the Criminal Complaint mentioned above with proceedings emanating therefrom.

2. Learned Sr. Counsel appearing on behalf of the petitioners submits that the alleged release deed was executed and attested by a Notary Public in Virginia, USA on 30.11.1988 and the representation was allegedly given by Sh. Rajeev Sahni, Advocate on 30.11.1989 in Virginia, USA. Therefore, the alleged offence, if any, was committed in the State of Virginia, USA and no transaction between the petitioners and the complainant has ever took place within the jurisdiction of this Court, however, the learned Trial Court had ignored the same and issued summons against the petitioners vide order dated 09.06.2010.

3. Further submits that Id. Trial Court has failed to appreciate that even the alleged negotiations, discussions and present meetings were held between the complainant and other officials of US firms in United State of America. Moreover, the said document was subject to the jurisdiction of the law of the state of Virginia, USA.

4. Ld. Sr. Counsel further submits that Id. Trial Court has further failed to appreciate that there is no explanation on record from the complainant with respect to the jurisdiction of the Court at Delhi.

5. The present petition was filed in the year 2010. Five years have already passed and despite, the service effected upon respondent no. 2/complainant, none appeared on his behalf. Thus, it seems that respondent No. 2 had filed case against the petitioners just to harass them and not to pursue the case, which cannot be allowed in view of the dictum of the ***Bhajan Lal v. State of Haryana 1992 AIR 604.***

6. Keeping in view the fact that no transaction has taken place in

Delhi, therefore, the Court at Delhi has no jurisdiction to try the same. Therefore, I hereby quash the summoning order dated 09.06.2010 passed by learned ACMM in Complaint No. 1110/2001 along with the said complaint with all proceeding emanating therefrom against the petitioners.

7. Accordingly, the petitions are allowed.

Crl. M.A. 17173/2010 in Crl. M.C. 3498/2010
Dismissed as infructuous.

SURESH KAIT, J

DECEMBER 10, 2015

Hkaur/jg