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

+ **TR.P.(CRL.) 6/2015**

SUNITA SURI & ORS.

..... Petitioner

Through:

versus

PACL LTD & ORS.

..... Respondent

Through: Mr. Rohit P Ranjan and Anil
Upadhyay for R-5

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
19.09.2016

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Crl. M.A. No.14450/2016

Exemption allowed, subject to all just exceptions. The application stands disposed of.

Crl. M.A. No.14449/2016

This application has been preferred on behalf of respondent No.5/ complainant under Section 340 Cr PC read with Section 482 Cr PC as well as read with Section 11 and 12 of the Contempt of Courts Act alleging perjury and commission of criminal contempt by the petitioners for playing fraud upon the court and disobeying their undertaking as contained in the order dated 12.02.2015.

The petitioners had preferred the transfer petition seeking a direction for transfer and joint trial of 12 cases as mentioned in the petition. On 13.01.2015, notice was issued to the respondents returnable on 12.02.2015. On 12.02.2015, respondent nos.1 and 5 had put in appearance and the petitioners had made a statement through their counsel that they were not seeking relief in respect of 8 cases mentioned in the list and that the petitioners were only seeking transfer of four cases preferred by IFCI Ltd. i.e. respondent No.2, which were then pending in the court of Sh. Chander Mohan, learned MM, Saket Courts to the Patiala House Courts.

In view of the said statement, all the respondents were dropped from the array of respondents and only IFCI Ltd. was retained as respondent. Fresh notice was directed to be issued to the respondent/ IFCI Ltd returnable on 02.03.2015.

It appears that eventually, the petition was dismissed as withdrawn on 16.07.2015. Consequently, the relief sought in the present petition was not granted to the petitioner by the court either on the strength of the order dated 12.02.2015, or otherwise.

The submission of counsel for the applicant is that the petitioners are now once again seeking a joint trial before the Trial Court. In this regard, he has tendered in court the orders passed by the Trial Court on 30.11.2015 and 25.04.2016.

I do not find any merit in the present application. The petitioners had made a statement on 12.02.2015 at an interim stage of the proceedings, as taken note of herein above. On that basis, the other respondents were dropped from the array of respondents and only IFCI Ltd. was retained as a respondent. Eventually, the petitioners withdrew the petition and no orders

were passed as sought for by the petitioner in the present petition. The petitioner did not derive any benefit from the order dated 12.02.2015. The order dated 12.02.2015 cannot be understood to mean that the petitioner had given up its right to seek a joint trial by moving an appropriate application before the Trial Court itself. Therefore, there is no question of there being any perjury or contempt as alleged by the applicant.

Dismissed.

VIPIN SANGHI, J

SEPTEMBER 19, 2016

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