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

+ W.P.(CRL) 1272/2016 and Crl. MA Nos. 6673-6674/2016

SURESH KUMAR LALJI Petitioner
Through Mr. Siddharth Mittal and Mr. Nilesh
Tribhuvan, Advocates
versus

STATE (NCT OF DELHI) & ANR. Respondents
Through Ms. Nandita Rao, ASC (Crl.)
SI Puneet Bharti, PS Sarai Rohilla

CORAM:
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER
% **26.04.2016**

Crl. MA No. 6673/2016 (Exemption)

Exemptions granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 1272/2016 and Crl. MA No. 6674/2016 (Stay)

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 praying as follows:-

“a) Call for the records and proceedings of CC No. 562/SR/2014 pending in the Court of Ld. Metropolitan Magistrate (Central)-04, Tis Hazari Courts, Delhi;

b) That this Hon’ble Court is pleased to quash and set aside the impugned order dated 25.02.2016 passed by Ms. Hemani Malhotra, Spl. Judge, PC Act/ACB, Tis Hazari Courts, Delhi in Criminal Revision No. 10 of 2015 arising

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out of order dated 12.01.2015 passed in CC No. 562/SR/2014;

c) That this Hon’ble Court is pleased to quash summoning order dated 12.01.2015 passed by Sh. Ajay Kumar Malik, Ld.

MM (Central)-04, Tis Hazari Courts, Delhi in CC No. 562/SR/2014 and Criminal Complaint bearing No. CC No. 562/SR/2014 titled 'North Tours India Pvt. Ltd. vs. Suresh Kumar Lalgee & Ors.' and all consequential proceedings arising thereunder; and

d) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

Learned counsel appearing on behalf of the petitioner limits the relief in the present petition to a direction to the Revisional Court to determine a revision proposed to be instituted by him against the order summoning him dated 12th January, 2015 on merits, when so filed by the petitioner.

A perusal of the order dated 12th January, 2015 assailed in Criminal Revision No. 10/2015 reveals that the Revisional Court has dismissed the revision, which is the subject matter of the present petition, only on the basis of the legal position that no revision is maintainable at the instance of a Power of Attorney holder.

It further reveals that the said Criminal Revision No. 10/2015 has been dismissed *dehors* the merits of the case and on the ground of it not being maintainable, in view of the circumstance that the same has been filed by the present petitioner through his Power of Attorney.

Issue notice.

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Ms. Nandita Rao, learned Addl. Standing Counsel (Crl.) accepts notice on behalf of the official respondent/Respondent no. 1.

With the consent of learned counsel appearing on behalf of the parties, the present petition has been heard and is being disposed of by the present order.

Since the Criminal Revision No. 10/2015 titled *Suresh Kumar Lalgee vs. North India Tour Pvt. Ltd.*, which assails the order dated 12th January, 2015

passed in Complaint Case No. 562/SR/2014 titled *North Tours India Pvt. Limited vs. Suresh Kumar Lalgee*, whereby the learned Trial Court directing issuance of summons to the revisionist/accused under Section 403/468 IPC, has not been determined on the merits and has been dismissed purely on the legal premise that a Power of Attorney holder cannot maintain such a proceeding, the submission made on behalf of the petitioner by his counsel in Court today, is tenable.

It is, therefore, directed that in the event the petitioner institutes a fresh revision assailing the order dated 12th January, 2015 in Complaint Case No. 562/SR/2014 titled *North Tours India Pvt. Limited vs. Suresh Kumar Lalgee* within a period of one week from today, the Revisional Court will determine the same on merits in accordance with law.

With the above directions, the present writ petition is disposed of.

Pending application also stands disposed of.

Dasti.

SIDDHARTH MRIDUL, J

APRIL 26, 2016/sd