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

+ CRL.M.C. 4925/2013

R N SHOME

..... Petitioner

Represented by: Mr.Samrat K.Nigam, Advocate
with Ms.Ayshwarya Chandar,
Mr.Abhimanyu Walia,
Advocates

versus

BARUN BHATTACHARJEE & ORS

..... Respondents

Represented by: Mr.Pinaki Misra, Sr.Advocate
instructed by Mr.Manoj Pant,
Advocate for R-1
Mr.Anil Kumar Chandel,
Advocate for R-2 to 8

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER

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08.09.2016

1. A trivial issue seems to have bloated between the parties. The impugned order records that a civil dispute is sought to be given the colour of a criminal litigation.
2. Suffice it to note that as per the petitioner, in the year 2007 upon the resignation of Sh.N.N.Sarkar the then Secretary of the Society he was assigned charge as an Assistant Secretary. In said capacity he was given one set of keys of some rooms in a building owned by the society. Elections were held in the year 1998. New managing committee took charge. As per the petitioner the newly elected office bearers took illegal possession of the

rooms in his possession. He resorted to a criminal complaint which resulted in a summoning order being passed, calling upon the named accused who were elected office bearers to face trial for offence punishable under Section 451/341/506/34 IPC. The summoning order was set aside in Crl.Rev.28/2013 vide impugned order dated October 26, 2013.

3. That the petitioner was holding an honorary post is not in dispute. He held the same when elected Secretary Sh.N.N.Sarkar resigned is also not in dispute. That those who allegedly committed the offences were elected as the office bearers of the Society is also not in dispute.

4. One set keys being with the petitioner and the other with the respondents, it cannot be said that exclusive custody was that of the petitioner.

5. Be that as it may, it is not the case of the petitioner that any charge or allegation of misappropriation has been made against him.

6. It appears that the petitioner was more concern with the proper handing over and taking over of the articles and rooms so that in future allegations of misappropriation are made against him.

7. I record statement made by the learned Senior counsel for the respondents that the respondents do not allege any misappropriation against the petitioner.

8. Recording so the instant petition is dismissed.

9. No costs.

PRADEEP NANDRAJOG, J

SEPTEMBER 08, 2016

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