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

+ **CRL.M.C. 3721/2016**

M/S PEGASUS COMPUTERS

..... Petitioner

Represented by: Mr. Varun Chandiok,
Advocate.

versus

STATE (NCT OF DELHI)

..... Respondent

Represented by: Mr. Ashok K. Garg, APP for
the State.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

16.11.2016

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1. The limited grievance of the petitioner is that complaint case being CC No. 27016/2016 (131/1A/2014) titled as “M/s Pegasus Computers vs. M/s Kotak Mahindra Primus Ltd. & ors.” is being adjourned only for the reason that in a similar complaint filed by the petitioner against the same respondents being CC No. 273/2/12 wherein summons were issued to the accused, proceedings before the learned Trial Court have been stayed by this Court in Crl. M.C. No.2324/2012.

2. Learned counsel for the petitioner points out that in the other case by the complainant, that is, CC No.273/2/12 there is no allegation of falsification of accounts which has been made in the complaint in question and thus merely because the matter is pending before this Court and proceedings have been stayed, the learned Trial Court cannot simply adjourn the matter.

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3. This Court has perused the complaint in the present case and also the orders passed by this Court in CrI.M.C. No. 2324/2012. It is well settled that each case is based on its own facts and considering the facts of the case, the learned Trial Court is required to apply its mind and pass necessary orders whether of summoning the accused or dismissing the complaint as it deems fit. Merely because the parties are same in another complaint case and the proceedings before the learned Trial Court are stayed, the same cannot be a ground to not proceed in the complaint case No.131/1A/14 pending before the learned Trial Court. Thus the Trial Court is directed to take a decision in accordance with law on the issue of summoning the accused.

4. With these directions the petition is disposed of.

5. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 16, 2016

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