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§-24 & 25

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

+ CRL.M.C. 2278/2017

SAMSUNG GULF ELECTRONICS FZE Petitioner

Through: Mr. Ramesh Gupta, Sr. Adv. with Mr.
Saif Khan, Mr. Niraj Singh, Mr. A.
Shreekumar, Ms. Perna Singh and Mr.
Pramod Kumar, Advs.

versus

STATE & ANR

..... Respondents

Through: Ms. Meenakshi Chauhan, APP for
State.
Mr. Ajmal Khan, Sr. Adv. with Mr.
Rajinder Singh, Modh. E. Abbass, Mr.
Nirpreet Kaur and Ms. Vaishali
Gautam, Advs. for R-2.

AND

CRL.M.C. 2306/2017

SHIEKH ALAUDEEN PAKKIR MAIDEEN Petitioner

Through: Mr. Ajmal Khan, Sr. Adv. with Mr.
Rajinder Singh, Modh. E. Abbass, Mr.
Nirpreet Kaur and Ms. Vaishali
Gautam, Advs.

versus

STATE OF UTTAR PRADESH & ANR

..... Respondents

Through: Ms. Meenakshi Chauhan, APP for
State.
Mr. Ramesh Gupta, Sr. Adv. with Mr.
Saif Khan, Mr. Niraj Singh, Mr. A.
Shreekumar, Ms. Perna Singh and Mr.
Pramod Kumar, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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14.11.2017

Both the above-noted petitions under Section 482 of the Code of

Criminal Procedure, 1973 were filed by the petitioners before the High Court

of Judicature, Allahabad. By these petitions, petitioners have prayed for quashing of complaint case no. 1086/2009 (renumbered as 2563/2015) titled JCE Consultancy through its sole proprietor Sheikh Alaudeen Pakkir Maideen vs. Samsung Gulf Electronics FZE and Ors. pending in the Court of Sh. Rama Karan Yadav, I.d. Additional Chief Judicial Magistrate, Ghaziabad under Sections 403/405/420/423/120B/34 IPC.

Pursuant to the order dated 27th April, 2017 passed by the Supreme Court of India in Crl. Appeal No. 304/2012, T.C. (Crl.) 3/2015, T.C. (Crl.) 4/2015, T.C. (Crl.) 2/2015 and Special Leave Petition (Crl.) 4905/2013, both these petitions have been received by this Court from Allahabad High Court and have been re-numbered. Crl. M.C. 2278/2017 has been filed by the accused persons; whereas Crl. M.C. 2306/2017 has been filed by Sheikh Alauddin Pakkir Maideen (complainant before the trial court).

It is noted that a proprietorship firm has no separate legal entity and is creation and/or firm name of the sole proprietor. Accordingly, any reference made to the sole proprietorship means and includes its sole proprietor and vice-versa.

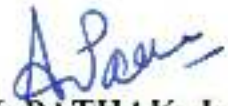
Case of the petitioner in Crl. M.C. 2278/2017 is that complaint was filed on the basis of bogus documents by certain persons having vested interest and, in fact, the said documents have been investigated by EOW of Delhi Police in

FIR No. 93/2014 at police station Economic Offences Wing wherein investigation is over and charge sheet has been filed.

Shiekh Alaudeen Pakkir Maideen, sole proprietor of J.C.E. Consultants is not interested in pursuing the criminal complaint any further and has prayed for quashing of the complaint. Accordingly, without going into the merits or demerits of the allegations and counter allegations, complaint case (new no. 14632/2017) titled J.C.E. Consultancy vs. Samsung Gulf Electronics Dubai, which has now been received by Ld. ACMM, Patiala House Court, New Delhi by transfer pursuant to the order of the Supreme Court, is quashed. It is noted that quashing of this complaint case will have no effect on the merits of the criminal proceedings arising from FIR No. 93/2014.

Crl.M.C.No.2306/2017 is disposed of in the above terms. Crl.M.C.No.2278/2017 is disposed of as infructuous. All other miscellaneous applications are disposed of as infructuous or in default, as the case may be.

Dasti.


A.K. PATHAK, J.

NOVEMBER 14, 2017/ga