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

+ CRL.L.P. 181/2018, CRL.M.A. 5291/2018

RAHUL CHAWLA Petitioner

versus

PSG DEVELOPERS & ORS Respondents

+ CRL.L.P. 182/2018, CRL.M.A. 5296/2018
MAYAURI CHAWLA & ANR

..... Petitioners

versus

M/S P.S.G DEVELOPERS Respondent

+ CRL.L.P. 183/2018
M/S CEE AAR ENGINEERING PVT.LTD

..... Petitioner

versus

M/S P.S.G DEVELOPERS & ORS Respondents

Through: Mr. Manish Kumar, Advocate for
petitioner.

Mr. Tarang Srivastava, APP for State.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **15.10.2018**

This petition impugns the order dated 21.11.2017, which has recorded
as under:-

*“The complaint was filed on 05.09.2007. Till date, the
accused has not put his appearance before the Court.*

*The summoning order was passed on 23.11.2007.
Meanwhile, the accused company went in liquidation and an
application for issuing notice to official liquidator was moved*

but till date, no one has put his appearance on behalf of the official liquidator also.

On perusal of judicial file, it is revealed that the complainant did not bother to file PF to issue summons to accused as well as liquidator. No one was present on behalf of the complainant on 11.08.2017, 14.12.2016, 29.09.2016, 07.06.2016, 27.05.2016, 03.08.2015 and 20.04.2015. Moreover, today also presence of complainant is secured only by serving court notice. The matter is more than 10 years old. There are specific directions to dispose off the said cases before 31.12.2017. But as per facts of the case, it seems the complainant is not serious in pursuing the present complaint. Rather, it seems that it does not want to pursue the present complaint. In the considered opinion of this Court, ample opportunities have been provided to complainant to proceed with the case but it has not taken any steps. If the complaint be kept pending then it will be a wastage of precious judicial time. Today, also AR of the complainant seeks adjournment but considering the previous record of the complainant, the same is rejected. The complaint is disposed off as dismissed due to non-prosecution. The accused persons are discharged/acquitted.

The learned counsel for the petitioner submits that because of change in jurisdiction, the matter was transferred from one Court to another. Hence, there was default in appearance by the counsel on some occasions.

The Court is not persuaded by the said argument because default in appearance was not on one occasion but on various dates as mentioned in the impugned order. Furthermore, the petitioner is a corporate entity, which had the assistance of not only of their counsel but also of officers, who would be more equipped to find out the details of the case than an ordinary illiterate person. The non-prosecution of the case, as noticed by the Court, was of a period of three years.

In view of the above, there is no merit in the petition.
Accordingly, it is dismissed.

NAJMI WAZIRI, J

OCTOBER 15, 2018
RW