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

+ CRL.M.C. 1489/2016 and Crl. M.A. 6370/2016

AKME PROJECTS LIMITED & ANR Petitioners

Through: Mr. Ashish Aggarwal, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr. Kewal Singh Ahuja, APP for the
State

Mr. Arun Kumar Tiwari, Advocate for R-2 with
R-2 in person

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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28.11.2018

On the criminal complaint (CC 710/1/13) of the second respondent, the petitioners and two others, namely Sonal Anand and Sudhir Sood were summoned by the Metropolitan Magistrate, by order dated 19.10.2015, with observation that *prima facie* case had been made out to hold them answerable for offences under Section 420 read with Section 34 of Indian Penal Code, 1860 (IPC). The said order was challenged by the petitioners through the present petition invoking inherent power and jurisdiction of this court under Section 482 Cr. PC read with Article 227 of the Constitution of India, the prime submission being that the grievances set out in the complaint

vis-a-vis residential unit booked by the complainant with the first petitioner in its project was essentially a civil dispute and the criminal process has been initiated by way of abuse of the process of the court.

After some hearing, the learned counsel for the second respondent (complainant) having taken instructions submitted that the complainant wishes to withdraw the criminal complaint from the court of the Metropolitan Magistrate, not pressing for any further action under the criminal law though reserving the right to pursue all other remedies available to him on the basis of grievances concerning the conduct of the petitioners and the two others. The complainant's counsel submitted that the complainant (i.e. the second respondent) hereby undertakes to withdraw the criminal complaint by approaching the Metropolitan Magistrate by appropriate application and making a statement to this effect on the date next fixed i.e. 01.12.2018.

The counsel for the complainant at the same time submitted that the criminal complaint was filed under some legal advice and that though the complainant is giving an undertaking to withdraw the same, he apprehends that the petitioners and two others might initiate action against him. The learned counsel for the petitioners submitted on behalf of the petitioners and two others, they being executives of the first petitioner company, that they would not initiate any action on account of the summoning order passed on the complaint of the second respondent.

Binding both the parties with their respective undertakings and assurances, the petition and the application filed therewith are

dismissed as not pressed, as is requested.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J

NOVEMBER 28, 2018

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