

\$~31

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

+ CRL.M.C. 106/2019 & CrI.M.A. 469-70/2019

HARI SINGH

..... Petitioner

Through: Mr. Banmali Shukla, Mr. Akhilendra
Nath, Mr. R.N. Choudhary, Advs.
along with petitioner in person.

versus

STATE & ORS.

..... Respondents

Through: Mr. Anand Yadav & Ms. Anita
Tomar, Advs. for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

%

10.01.2019

The proceedings which are impugned in the petition arise out of a claim of third respondent bank, recovery proceedings having been initiated on the basis of arbitral award against the petitioner. All that has happened is that a summons has been issued to the petitioner by the second respondent on the basis of recovery certificate brought to him for enforcement under Delhi Cooperative Societies Act. A colour is being given to the said proceedings so as to seek remedy under the Code of Criminal Procedure, 1973 (Cr.P.C.). A similar attempt was made earlier by filing CrI.M.C. 985/2008 which was withdrawn and dismissed accordingly by order dated 13.09.2018. Yet another attempt of similar kind is being made by the present petition brought assailing the summons issued by the second respondent calling upon the petitioner to appear and be answerable for the amount claimed by the third respondent.

The jurisdiction of this Court under Section 482 Cr.P.C. apparently cannot be invoked in these proceedings. The counsel has been asked several times but he persists that he has come to the correct forum.

At this stage, the counsel submitted that he may be permitted to withdraw the present petition.

The petition and the applications filed therewith are dismissed as withdrawn.

R.K.GAUBA, J

JANUARY 10, 2019

nk