

\$~69

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

+ **W.P.(CRL) 2681/2019**

VINOD POPLI

..... Petitioner

Through Mr Dayan Krishnan, Senior Advocate
with Mr Atul T.N. Mr Devendra Verma,
Advocates.

versus

STATE & ORS

..... Respondent

Through Mr Avi Singh, ASC for Mr Tanu
Bhadana, Advocate.

70.

+ **W.P.(CRL) 2682/2019**

VINOD POPLI

..... Petitioner

Through Mr Dayan Krishnan, Senior Advocate
with Mr Atul T.N. Mr Devendra Verma,
Advocates.

versus

STATE & ORS

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

%

20.09.2019

CRL.M.A. 36340/2019

CRL.M.A. 36344/2019

1. Allowed, subject to all just exceptions.
2. The applications are disposed of.

W.P.(CRL) 2681/2019 & CRL.M.A. 36339/2019

W.P.(CRL) 2682/2019 & CRL.M.A. 36343/2019

3. The petitioner has filed the present petitions, *inter alia*, impugning a summoning order dated 18.02.2016 passed by the learned Metropolitan Magistrate. The petitioner also impugns orders dated 06.04.2019 and 19.04.2019.

4. By the order dated 06.04.2019, the petitioner's application for dismissal of the complaint filed by respondent no.2 on the ground that the complaint did not mention that the authorized representative of the complainant had personal knowledge about the transaction, was dismissed.

5. The petitioner had filed a revision petition against the said order which was dismissed by the impugned order dated 19.08.2019. It is the petitioner's case that a summoning order should not be issued since the complaint was filed through a Power of Attorney Holder and the content of the complaint did not specifically assert that the Power of Attorney Holder had knowledge of the transaction. According to the petitioner, the decision of the Supreme Court in the case of ***A.C. Narayanan v. State of Maharashtra & Anr: 2014 (11) SCC 790*** clearly holds that no such complaint is required to be entertained.

6. This Court is not persuaded to accept the aforesaid contention. The complaint was filed by the son of the of the complainant, who was also Power of Attorney Holder. He had also stated that he had personal knowledge with regard to the transaction in question. The only question to be examined is whether such an averment was required to be made in the complaint and if so, whether failure to make such an averment to the effect

that the Power of Attorney Holder had personal knowledge of the transaction would be fatal to the said complaint.

7. It is open for the petitioner to urge this question before the concerned court and the summoning order need not be interfered with at this stage.

8. The petitions are, accordingly, dismissed. The pending applications are also disposed of.

VIBHU BAKHRU, J

SEPTEMBER 20, 2019

pkv