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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CRL.M.C. 4231/2016****FIIT JEE LTD**

..... Petitioner

Through: Mr. Pramod Kumar Dubey, Advocate
with Mr. Saurabh Kumar, &
Mr. Prince Kumar, Advocate

versus

RANKERS POINT & ORS

..... Respondents

Through: Ms. Ishu Arora, Advocate with
Ms. Esha Verma, & Mr. Parvī Ghosh,
Adv.**CORAM:****HON'BLE MR. JUSTICE R.K.GAUBA****ORDER**

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29.01.2019

Upon being informed by one Naresh Kumar Yadav, an ordinary resident of Dhar (Madhya Pradesh) by communication about a promotional material described as leaflets (Ex.CW-1/C), statedly circulated for and on behalf of the first respondent, an entity with which the other respondents are closely associated, they being in similar business as of the petitioner providing coaching to young students aspiring to take admission in engineering colleges, *etc.*, their activities being in Indore (Madhya Pradesh), exception thereto was taken by a legal notice (Ex.CW-1/D) sent on 19.12.2003 by the petitioner.

The respondents are stated to have sent reply dated 04.01.2014 (Ex.CW-1/V), in the wake of which criminal complaint (CC No.32/1/14) was filed by the petitioner before the Metropolitan Magistrate of South

District at Saket, New Delhi, it being a place where the petitioner has its head office, alleging offence under Section 500 of Indian Penal Code, 1860 (IPC) pursuant to a criminal conspiracy hatched by the respondents having been committed.

In support of the said criminal complaint, the petitioner examined its representative Puneet Khurana (CW-1), besides two other witnesses, they being Anshul Dubey (CW-2) and Om Prakash Chouhan (CW-3), the last two being residents of Indore (Madhya Pradesh), their evidence primarily meant to show the reputation of the petitioner having been lowered in the estimation of the public at large on account of publication of the said incriminating material by its circulation in Indore (Madhya Pradesh).

The Metropolitan Magistrate, by order dated 03.07.2014, summoned the respondents as accused. The respondents, however, challenged the said order in the court of sessions by criminal revision petition No.55/2015 and 8162/2016, the said challenge having been upheld by order dated 09.09.2016, the order of summoning having been set aside and the complaint and the proceedings in the complaint being held not maintainable for want of jurisdiction in Delhi, the publication of the incriminating material being a matter pertaining to the jurisdiction of the courts at Indore (Madhya Pradesh).

The present petition under Section 482 Cr.P.C. was filed to bring a challenge to the above mentioned order of the revisional court.

After some hearing, the counsel for the petitioner submitted that he may be permitted to withdraw the present petition as the petitioner reserves the right to approach the jurisdictional magistrate at Indore (Madhya

Pradesh) by a fresh complaint for the offences under Section 500/34 IPC against the respondents.

The petition is dismissed as withdrawn. The petitioner may pursue the matter by a fresh complaint, but in accordance with law.

Dasti.

R.K.GAUBA, J.

JANUARY 29, 2019

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