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

+ CRL.M.C. 4494/2016

M/S. GLORY APARTMENTS (P) LTD. Petitioner

Through Mr.Anunaya Mehta and Mr.Akshaydeep
Singhal, Advocates with Mr.Abhay Kumar Prasad,
Authorised Representative of the petitioner.

versus

STATE AND ANOTHER Respondent

Through Mr.Sanjeev Sabharwal, APP for the State
Mr.Purvash Button, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **07.03.2019**

Criminal Case 37/1/11 of the second respondent is pending before the Metropolitan Magistrate at the stage of pre-summoning inquiry under Sections 200/202 of Code of Criminal Procedure of 1973 (Cr.P.C.). It appears, in the said complaint case allegations have been made, *inter alia*, against the petitioner company and Abhay Kumar Prasad, who projects himself to be authorised representative, though in the said complaint case he has been shown (in array of prospective accused) as Director of another company, namely M/s Ram Satish Expo Impo Pvt., the said other company also having been included in the fray amongst those against whom criminal action is sought allegedly for offences punishable under Sections 379/406/409/411/418/423-425/467/477A read with Section 120B of Indian Penal Code, 1860 (IPC). It appears that the Metropolitan

Magistrate presiding over the preliminary inquiry, at the instance of the second respondent (the complainant), had issued summons to the petitioner to produce certain documents. The petitioner filed an application seeking review of the said direction referring, *inter alia*, to the constitutional protection under Article 20(3) of the Constitution of India. The Metropolitan Magistrate declined to entertain the said request for the reason the said Court did not have a power of review. The said order was challenged in the Court of Sessions by Criminal Revision No.56013.2003 which was dismissed by judgment dated 29.08.2016 of the Additional Sessions Judge. The Revisional Court's order was sought to be assailed by the petitioner under Section 482 Cr.P.C.

The learned counsel appearing for the petitioner submitted, having taken instructions, that he may be permitted to withdraw the present petition, the petitioner intending to comply with the summons by appearing before concerned Criminal Court, though reserving the right to raise the objections and claim of privilege as also assert the Constitutional right against self-incrimination to seek appropriate adjudication thereupon at appropriate stage.

The petition is dismissed as withdrawn with liberty as prayed for granted.

R.K.GAUBA, J

MARCH 07, 2019/da

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