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

+ **W.P.(CRL) 2173/2017 & CrI.M.A.No.12242/2017**

**MOREPEN LABORATORIES LTD** ..... Petitioner  
Represented by: Mr.Vijay Aggarwal, Mr.Mudit Jain,  
Mr.Ayush Jindal and Mr.Shailesh  
Pandey, Advocates

versus

**STATE & ANR** ..... Respondents  
Represented by: Mr.Rajesh Mahajan, ASC for the  
State with Ms.Jyoti Babbar, Advocate  
Mr.Rohit Priya Ranjan, Ms.Shweta  
Sharma, Mr.Pratik Kumar and  
Ms.Suhani Joshi, Advocates for R-2

**CORAM:**  
**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**  
**27.02.2019**

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1. By this petition, M/s.Morepen Laboratories Ltd. through its authorized representative seeks the following prayers:-

*“1. Issue writ in the nature of mandamus or other appropriate writ for Quash/set-aside the impugned order dated 06.06.2017 passed by the court of Sh.Rakesh Pandit, Ld.ASJ, Patiala House Courts, New Delhi in Criminal Revision titled as “M/s. Morepen Laboratories Ltd. V/s. Morgan Securities & Credit Pvt. Ltd./” bearing CR No.77/17.*

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*2. Issue writ in the nature of mandamus or other appropriate writ for Quash/set-aside the impugned order dated 24.1.2017 passed by the Court of Dr.Pankaj Sharma, Ld.Metropolitan Magistrate, Patiala House Courts, New Delhi in aforementioned case titled as “Morgan Securities & Credit Pvt. Ltd. Vs. Morepen Laboratories Ltd. & Ors.” bearing CC No.204/1/12.*

*3. Pass necessary orders and directions for clubbing and consolidation of all the connected cases for joint/single trial.*

*4. Pass any other order or direction as this Hon’ble Court may deem fit and proper int eh facts and circumstances of the case.”*

2. Vide order dated 24<sup>th</sup> January, 2017 passed by the learned Metropolitan Magistrate applications under Section 219/220 Cr.P.C. were disposed of wherein the petitioner sought that out of the seven complaint cases, five complaint cases titled as M/s.Morgan Securities & Credit Pvt. Ltd. versus M/s.Morepen Laboratories Ltd. and two cases titled as M/s.Morgan Securities & Credits Pvt. Ltd. versus M/s.Blue Coast Hotel (P) Ltd. & Ors. be tried together because the said complaints arise out of the same transaction. Number of the seven complaint cases were CC No.204/1/12, 205/1/12, 206/1/12, 207/1/12, 208/1/12, 209/1/12 and 742/1/12.

3. The said application was dismissed by the learned Metropolitan Magistrate on 29<sup>th</sup> January, 2017 aggrieved wherefrom the petitioner filed a revision petition before the learned Additional Sessions Judge which was also dismissed vide impugned order dated 6<sup>th</sup> June, 2017. Hence the present ***W.P.(CRL) 2173/2017***

petition.

4. The respondent No.2-the complainant M/s.Morgan Securities & Credit Pvt. Ltd. who is the complainant in all the above mentioned seven complaint cases has filed written arguments and along with the written arguments has placed on record, copy of the order dated 12<sup>th</sup> February, 2015 passed by this Court in Transfer Petition Criminal No.6/2015 titled as Sunita Suri & Anr. Vs. PACL Ltd. & Ors. A perusal of the Transfer Petition Criminal No.6/2015 shows that the said petition was filed by Sunita Suri and Shushil Suri, the two directors of the petitioner impleading the petitioner company herein besides the complainant and other accused as respondents. In the said Transfer Petition, one of the prayers of the petitioners Sunita Suri and Sushil Suri who were the Directors of the petitioner was joint trial of 12 cases mentioned in Annexure 14. The said 12 cases mentioned in Annexure 14 also included complaint case Nos.205/1/12, 206/1/12, 207/1/12, 208/1/12 and 209/1/12.

5. The order dated 12<sup>th</sup> February, 2015 passed in Transfer Petition Crl. No.6/2015 filed by Sunita Suri and Sushil Suri impleading the petitioner as respondent reads as under:-

*“1. Mr.Aggarwal submits, on instructions, that the petitioners are not pressing their prayer for joint trial of the said 12 cases mentioned in Annexure-14. He further submits that no relief is being pressed in respect of the first 8 cases mentioned in the said list, and submits that the petitioners are only seeking transfer of the four cases preferred by IFCI Limited, i.e. respondent No.2, which are pending before the Court of Sh.Chander Mohan, learned MM, Saket Courts, Delhi to the Patiala House Courts,*

*Delhi.*

*2. It is informed that the representative of respondent No.2 IFCI Limited was present in the first call but he is not present now.*

*3. In view of the aforesaid statement, all the other respondents are dropped from the array of respondents and only IFCI Limited is retained as the respondent. The amended memo of parties be filed within two days.*

*4. Issue fresh notice to the IFCI Limited returnable on 02.03.2015.*

*5. It is once again made clear that neither party shall seek nor be granted any adjournment on account of pendency of this petition.”*

6. It is evident that the Directors of the petitioner had not pressed the prayer of the joint trial in 12 cases out of which 5 complaint cases are the one to which the present petition relates. Order dated 12<sup>th</sup> February, 2015 also does not give liberty to the petitioner to file a fresh petition.

7. Learned counsel for the petitioner states that the respondent No.2 herein had filed an application for contempt which was dismissed by this Court observing that the petitioners therein had not given up their right to file an application.

8. Despite being a party to the Transfer Petition Criminal and two of its Directors filing the Transfer petition CrI.6/2015, in the petition, there is no disclosure about the said transfer petition being disposed of and the order passed thereon in the present petition.

9. Petition and application are thus dismissed for non-disclosure of material facts subject to cost of ₹50,000/- to be deposited with the Delhi High Court Legal Services Committee within four weeks.

**MUKTA GUPTA, J.**

**FEBRUARY 27, 2019**

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