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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: November 17, 2022***
+ CRL.M.C. 5489/2022, CRL.M.As. 21823/2022 (Exemption)
& 21824/2022 (Delay)

DEEPAK RAUTELA

..... Petitioner

Through: Mr. Sachit Sharma, Advocate
(through VC).

versus

PEARL GLOBAL INDUSTRIES LTD. & ANR. Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

J U D G M E N T (oral)

1. The present petition is filed under section 482 Cr.P.C. to impugn the order dated 28.01.2022 passed by the Court of Shri Ajay Kumar Jain, ASJ, Special Judge, NDPS, New Delhi, Patiala House Courts in criminal revision bearing no. 3/22 titled as **Deepak Rautela V Pearl Global Industries Ltd. and another** whereby the Special Judge, NDPS has dismissed the criminal revision for setting aside the order dated 15.11.2021 passed by the Court of Ms. Nupur Gupta, M.M, New Delhi, Patiala House Courts in C.C Bearing no. 19267/2016 titled as **Deepak Rautela V Pearl Global Industries Ltd. and Anr.**

2. The petitioner filed an application under section 156(3) Cr.P.C titled as **Deepak Rautela V Pearl Global Industries Ltd. and another** bearing CC no. 19267/2016 for issuance of directions to the S.H.O. P.S. Naraina to lodge the FIR against the respondent and investigate the allegations as made in the complaint and the said application was dismissed by the concerned

Trial Court vide order dated 05.04.2016. The petitioner led the pre-summoning evidence and the Court of Ms. Nupur Gupta, M.M, New Delhi, Patiala House Courts vide order dated 15.10.2021 after considering and perusing the pre-summoning evidence including testimony of the petitioner dismissed the complaint by observing that no offence under section 406/420 IPC is made out against the respondents. The petitioner being aggrieved by the order dated 15.11.2021 filed a criminal revision bearing no. 03/2022 titled as **Deepak Rautela V Pearl Global Industries Ltd. and Anr.** which was dismissed vide order dated 28.01.2022 passed by the Court of Shri Ajay Kumar Jain, ASJ, Special Judge, NDPS, New Delhi, Patiala House Courts. It was observed that the action taken report submitted before the Trial Court also suggestive of civil dispute over the payment and thereafter, it was opined that no offence 420/406 IPC is made put.

3. The Counsel appearing on behalf of the petitioner argued the petitioner was working with the respondent and was harassed, tortured and abused by Gaurav Puri. It is further stated that a vouchers dated 19.09.2014 amounting to Rs. 71,551 and 20.09.2014 amounting to Rs.73,640/- showed him that the petitioner has resigned from the service, but he as actually not resigned from the service. The petitioner has also filed a civil suit. The counsel appearing on behalf of the petitioner also argued that the permission was sought before the Revisional Court to file certified copy of the voucher which was placed on the judicial record of the civil suit.

4. The perusal of the orders dated 15.11.2021 passed by the Court of Ms. Nupur Gupta, M.M, New Delhi, Patiala House Courts and dated 28.01.2022 passed by the Court of Shri Ajay Kumar Jain, ASJ, Special Judge, NDPS, New Delhi, Patiala House Courts reflects that there was/is dispute between

the petitioner and the respondent regarding the payment of arrears of the salary of the petitioner which is purely civil in nature. The petitioner has already initiated the appropriate proceedings legal proceedings to claim the arrears. The complaint as well as the pre-summoning evidence do not disclose commission of any offence as alleged by the petitioner.

5. The present petition is dismissed alongwith pending applications, if any.

SUDHIR KUMAR JAIN, J

NOVEMBER 17, 2022/sk/m

