



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3/2019 & CRL.M.A. 13/2019**

ADP BUILDING CONSULTANCY PVT LTD & ANR

.....Petitioners

Through: Mr. Shafiq Khan, Mr.
Tariq Muneer, Mr.
Chandan Saggu, Ms.
Chanchal Gupta & Ms.
Vidhi Jain, Advs. through
V.C.

versus

STATE & ANR

.....Respondents

Through: Mr. Ajay Vikram Singh,
APP for the State.
Mr. Prakhar Khanna, Adv.
for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

02.09.2024

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1. The present petition is filed challenging the order dated 14.08.2018, passed by the learned Metropolitan Magistrate (MM), Saket Courts, New Delhi in CC No. 613376/2016.
2. The learned MM by order dated 14.08.2018 has taken cognizance in a complaint filed by Respondent No. 2 for offence under Section 37 of the Architects Act, 1972 ('the Act').
3. It is an admitted case that Respondent No. 2 had issued a Show Cause Notice to the petitioner on 25.04.2013 alleging violation of Sections 36/37 of the Act.
4. Admittedly, if any order of conviction is passed in the complaint filed by the Respondent No.2, the same would be the first conviction which is punishable with fine which may extend to ₹500/-.
5. Section 468 of the Code of Criminal Procedure, 1973 bars any Court from taking cognizance beyond a period of six months



if the offence is punishable with fine only.

6. It is an admitted case that Respondent No. 2 was aware of the alleged violation by the petitioner that led to issuance of show cause notice dated 25.04.2013, whereas the complaint was filed on 26.11.2013, that is, admittedly after the period of six months.

7. In view of the above, the impugned order dated 14.08.2018 is set aside.

8. The petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 2, 2024

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