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

+ **W.P.(CRL) 444/2023 & CRL.M.A. 4103/2023**

SANJAY KUMAR JAIN & ANR.Petitioners

Through: Mr. Harish Malhotra, Sr.
Adv. (through VC) with
Mr. Pankaj Kapoor & Mr.
Nikhil Bahri, Advs.

versus

**SERIOUS FRAUD INVESTIGATION
OFFICE**

.....Respondent

Through: Ms. Shiva Lakshmi,
CGSC with Mr. Govind
Sharma & Mr. Salman,
Advs. with Mr. Nitin
Agnihotri (Prosecutor-
SFIIO)

**CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN**

**ORDER
13.12.2024**

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1. The present petition is filed seeking quashing of summoning order dated 31.10.2022 in Complaint Case No. CC/1484/2021.
2. It was alleged that the accused company, M/s Laksh Rubber India Private Limited had not filed the balance sheets for the financial year 2013-14.
3. It is alleged that the petitioners were the Directors at the relevant time. It is undisputed that the petitioners had resigned with effect from 14.08.2014 from the Board of M/s Laksh Rubber India Private Limited. Therefore, the petitioners are sought to be prosecuted for the non-filing of the balance sheet up to the time they were on the Board of the accused company.



4. It is also undisputed that the sanction order for investigation was passed by the Central Government on 15.10.2015 and the investigation report was prepared on 18.03.2020, thus, even if the case of the prosecution is taken at the highest, they had the knowledge of the commission of the offence on 18.03.2020.

5. Concededly, the complaint was filed against the petitioners for offences under Section 159 read with Sections 162 and 220(3) of the Companies Act, 1956. The offences are punishable with fine only.

6. In terms of Section 468 of the Code of Criminal Procedure, 1973 ('CrPC'), no cognizance for such offences which are punishable with fine only can be taken after a period of one year of the knowledge of the offence.

7. In the opinion of this Court, the cognizance in the present case is erroneously taken. It is also an admitted case that no application was filed by the prosecution under Section 473 of the CrPC seeking condonation of delay.

8. In view of the above, the present petition is allowed and the summoning order dated 31.10.2022 in Complaint Case No. CT/1484/2021 and all proceedings emanating therefrom are set aside in regard to the petitioners.

9. It is made clear that this Court has not impeded the learned Trial Court from proceeding further with the matter against other accused persons.

AMIT MAHAJAN, J

DECEMBER 13, 2024

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