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

+ **CRL.M.C. 1285/2024**

**YOGESH KUMAR DIRECTOR M/S MEDIPOL
PHARMACEUTICAL INDIA PVT LTD AND ORS**

..... Petitioners

Through: Mr. Samman Vardhan Gautam,
Advocate.

versus

UNION OF INDIA THROUGH DRUG INSPECTOR

..... Respondent

Through: Mr. Mukul Singh, Central
Government Standing Counsel with Ms. Ira Singh
and Mr. Majjan Umesh, Advocates for UOI.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
16.02.2024

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CRL.M.A. 5062/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This petition has been filed by the Petitioners seeking *inter-alia* quashing of summoning order dated 21.08.2017 in Criminal Case No.7940/2017 titled '*Union of India v. Medipole Pharmaceuticals India Pvt. Ltd. and Ors.*', pending in the Court of Ms. Sania Dalal, learned Metropolitan Magistrate, Rohini Courts, Delhi.

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4. From a reading of the petition, it is evident that Petitioners have not made a single averment towards explaining the delay in approaching this Court after nearly 6 years from the date of the impugned summoning order. Even today, during the course of hearing, learned counsel for the Petitioners is unable to make a sufficient cause for the delay, save and except, stating that in the meantime, Enforcement Petitions being OMP (ENF.) 125/2022 and 127/2022, arising out of a partition decree were pending and the present Petitioners have taken over the Company only in January, 2024. It is apparent that none of this is averred in the petition nor any documents have been filed to support the submission made.

5. At this stage, learned counsel for the Petitioners seeks to withdraw the petition with liberty to file fresh petition with particulars of the pending litigations and orders passed therein, which according to the Petitioners, was the cause of their challenging the impugned summoning order belatedly.

6. Petition is disposed of as withdrawn, with liberty as prayed for, in accordance with law, making it clear that this Court has not expressed any opinion on the merits of the case and/or the alleged delay.

JYOTI SINGH, J

FEBRUARY 16, 2024/ssc