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

+ W.P.(CRL) 998/2024 & CRL.M.As. 9508-10/2024

DINESH KUMAR TRIVEDI

..... Petitioner

Through: Mr. Rishi Sood and Mr. Prafull Singh
Chandel, Advocates.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Rahul Tyagi, ASC (Crl.) for
State.

Mr. Suyash Sinha, Ms. Samriddhi
Rai, Mr. Ram Kumar Singh and Mr.
Abhinav Sharma, Advocates for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.03.2024

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1. By way of the present petition filed under Article 226 of the Constitution read with Section 482 Cr.P.C, the petitioner seeks quashing of the FIR No. 26/2021 registered under Section 174A IPC at P.S. Connaught Place qua him.

2. Notably, the petitioner had earlier approached this court seeking setting aside of proceedings initiated against him under Section 82 Cr.P.C., wherein he was declared as a proclaimed offender in all cases. This Court vide common order dated 02.02.2023 noted the facts and circumstances under which the petitioner was declared proclaimed offender and after considering the facts, set aside the declaration of the present petitioner as proclaimed offender. The relevant extract of the aforesaid order reads as follows:-



“3. The petitions have been filed quashing of impugned order dated 01.11.2019 passed by the Ld. MM, Patiala House Courts, New Delhi in CC No. 53503/2016, 50506/2016, 53508/2016, 53628/2016, 53501/2016, 53629/2016, 53507/2016, 53509/2016, 53504/2016 & 53506/2016.

4. By the impugned order, the petitioner had been declared a proclaimed offender in these complaint cases in matters titled as M/s. B. K. Sales Corporation Vs. Neeta Chemicals Private Limited.

5. Learned counsel for the petitioner has drawn the attention of the court to the fact that under these complaints filed U/s 138 of N. I. Act.

6. The petitioner is the director of the accused company and is a resident of Hyderabad.

7. Pursuant to the summons, he had furnished his personal bond and the trial was undergoing and he was under the bona fide impression that the matter was being looked after by the counsel.

8. In the meantime, the CIRP process by the NCLT was initiated against the company and IRP was appointed. Consequently, a moratorium was instituted U/s 14 of the IPC code. Somewhere in 2018 bailable warrants were issued but in 2019 since the petitioner had changed his residence to another house, the summons which were sent from the court, could not be received by him.

9. Execution of process u/s 82 Cr. PC was also not accomplished due to the fact of the petitioner being available at a different address. Fresh addresses were also provided by the petitioner, however NBWs had been issued.

10. After the Covid pandemic, the petitioner visited his earlier address in May 2022, he was informed that summons have been received. proceedings U/s 82 Cr.P.C., however Ld. MM, cancelled the NBWs against another director Bhupender Trivedi but not against the petitioner herein.

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12. In view of the above facts and circumstances as stated above,



the impugned order is set aside.

13.It is made clear that the petitioner will appear on the next date of hearing, which is listed on 04.02.2023 before the learned Trial Court.

14.The petitions are accordingly disposed of.

15.Order be uploaded on the website of this Court.”

3. Since the Section 82 Cr.P.C. proceedings have already been set aside against the present petitioner, as a necessary sequitur, the FIR registered under Section 174A against the petitioner is also liable to be set aside.
4. Ordered accordingly. The petition along with pending applications is disposed of.
5. A copy of this order be communicated to the concerned trial court.

MANOJ KUMAR OHRI, J

MARCH 28, 2024/rd