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

+ CRL.M.C. 4118/2022

OM PARKASH GUPTA

..... Petitioner

Through: Mr.Sumit Bansal, Mr.Pankaj
Gupta, Ms.Surbhi Tandon &
Mr.Praveen Mangla, Advs.

versus

BSES RAJDHANI POWER LIMITED

..... Respondent

Through: Mr.Rishab Raj Jain, Standing
Counsel for BSESRPL with
Mr.Harshal Arora, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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13.02.2024

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the complaint case, being CC No. 632/2021, pending in the Court of the learned Additional Sessions Judge (Electricity)-01, Central District, Tis Hazari Courts, Delhi, as also the order dated 09.06.2022 summoning the petitioner as an accused in the said complaint.

2. It is the case of the petitioner that he has been wrongly arrayed as an accused in the above complaint case, which was filed by the respondent pursuant to an inspection/raid conducted on 29.09.2020 at 1:00 PM at plot bearing Khasra No. 36/15/28, 36/16, Village Mundka, New Delhi-110041.

3. On the last date of hearing, that is, 25.01.2024, the learned counsel for the petitioner had submitted that this was a case of mistaken identity inasmuch as the gentleman 'Om Parkash' mentioned



in the complaint is not the petitioner, however, summons have been issued and served on the petitioner. He submits that the summons have been served on the petitioner due to this mistaken identity as he is not the 'Om Parkash' that is mentioned in the complaint, as is also evident from the photographs and videos of the inspection.

4. Based on the above submission, the learned counsel for the respondent was directed to seek instructions if they still maintain that the complaint has rightly been filed against the petitioner arraying him as an accused.

5. Today, the learned counsel for the respondent, on instructions, submits that the petitioner is not the 'Om Parkash' against whom the above complaint has been filed. He submits that the petitioner, therefore, has been wrongly served with the summons issued by the learned Trial Court.

6. In view of the above, the order dated 09.06.2022 insofar as it issues summons against the petitioner; as also the summons that have been served on the petitioner in the above-mentioned complaint, are hereby quashed. The respondent, however, shall have the liberty to request the learned Trial Court to issue fresh summons to the correct 'Om Parkash' against whom the respondent wishes to proceed pursuant to the above-mentioned inspection/raid.

7. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

FEBRUARY 13, 2024/rv/am

Click here to check corrigendum, if any