



\$~59

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

+ **CRL.M.C. 10004/2024**

M/S DECCAN HEALTHCARE LTD

.....Petitioner

Through: Mr Abhishek Garg, Mr Yash Gaiha
and Mr Naman Mehta, Advs.

versus

M/S DOSHI TRADING CO.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

%

19.12.2024

CRL.M.A. 38353/2024

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 10004/2024 & CRL.M.A. 38352/2024

3. This is a petition filed under the section 528 of BNSS seeking to challenge the order dated 29.10.2024 passed by learned Metropolitan Magistrate ("MM"), whereby the learned MM directed issuance of process for proclamation against the petitioner under Section 82 of Code of Criminal Procedure, 1973. The petitioner also seeks quashing of the order dated 08.07.2024, whereby NBWs was issued against the petitioner.
4. It is stated by Mr Garg, learned counsel for the petitioner that the bailable warrants which were issued against the petitioner have been served at Plot No. 13, Sector – 3, SIDCUL, IIE, Pant Nagar Ruderpur, Uddham Singh Nagar, Uttarakhand which is the factory of the petitioner and not the



registered office. It is stated that theailable warrants issued against the petitioner has been received back as unserved and the said fact has also been recorded in the order dated 08.07.2024.

5. He states that the NBWs issued against the petitioner on 08.07.2024 were also unexecuted, probably for the same reason.

6. He states that it is only when the proclamation under Section 82 of Code of Criminal Procedure, 1973 was issued against the petitioner and the same was published in the newspaper, one of the suppliers of the petitioner informed the petitioner about the same.

7. It is further stated that even though the petitioner has the option of approaching the learned MM for cancellation of NBWs and withdrawing of the proclamation order, there is always an apprehension that the petitioner may be arrested in view of the NBWs issued against him.

8. Hence the present petition has been filed.

9. Since it is an order which is concerning the learned Court and the petitioner, I do not deem it fit to issue notice to the respondent.

10. I am of the view that the purpose of issuingailable warrants, NBWs and proclamation is only to ensure the presence of the accused before the Court and judicial process.

11. In the present case, theailable and the Nonailable Warrants issued against the petitioner were not served upon the petitioner as the address on which the warrants were issued is the factory of the petitioner and not the registered office of the petitioner. The issuance of proclamation has serious consequences vis a vis the petitioner.

12. Mr Garg, learned counsel for the petitioner on instructions, of the petitioner states that the Authorised Representative of the petitioner will



appear along with the counsel on each and every date of hearing. Taking his statement on record and binding the petitioner to the same, the NBWs issued against the petitioner *vide* order dated 08.07.2024 are hereby quashed. Since the NBWs issued against the petitioner have been quashed, the impugned order dated 29.10.2024, directing issuance of proclamation under Section 82 of Code of Criminal Procedure, 1973 against the petitioner is also set aside.

13. However, I am of the view that considerable time of the police and judicial time has been wasted. The police machinery has been put in motion on account of the acts of commission & omission on behalf of the parties and useful time of the police which could have been utilised for important matters has been misdirected towards this case. Hence, the petitioner must pay some costs.

14. For the reasons stated above, the petitioner shall pay a cost of Rs. 10,000/- to the DHCLSC before the next date of hearing before the learned MM i.e. 07.01.2025.

15. The petition is disposed of accordingly.

JASMEET SINGH, J

DECEMBER 19, 2024

sr

[Click here to check corrigendum, if any](#)