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

+ **CRL.M.C. 6957/2023 & CRL.M.A. 25965/2023**

FARAHAT GUPTA

.....Petitioner

Through: Mr. Manoj Sharma, Mr. Kapil
Kaushik, Mr. Deepak Shukla, Mr.
Alok Singh, Mr. Gaurav Bhardwaj and
Mr. Vinay Kumar Srivastav,
Advocates.

versus

THE GOVT. OF NCT OF DELHI, & ORS.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the State.
Insp. Rajeev Ranjan and SI Satish
Kumar, PS Bara Hindu Rao, Delhi.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

03.04.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Cr.P.C. has been filed seeking the following prayers:

“A. To set aside the summoning order dated 01.02.2021 & 10.08.2023 passed by LD. ACMM, Tis Hazari Court Complex, Central District, Delhi in FIR No. 201/2015. in the interest of justice and or;

B. To quash the charge sheet arising from FIR No. 201/2015 of P.S. Bara Hindu Rao, pending before the Ld. ACMM, Tis Hazari Court, Delhi, in so far as it relates to the petitioner herein and or;

C. Such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case may also be passed.”

3. The case of the prosecution is that on 18.12.2015 at about 9 P.M., ASI Kiranpal received information that a Toyota Etios Radio Taxi bearing registration number 'DL 1RY 4619' which is carrying illicit liquor will pass



near Barf Khana Road leading towards Azad Market, Delhi. Thereafter, ASI Kiranpal was directed by the SHO, P.S. Bara Hindu Rao to take necessary action. Then, ASI Kiranpal along with the staff had rushed to Azad Market Chowk and checked the said offending vehicle coming from the Barf Khana side. At about 10:10 P.M., upon checking the offending vehicle, a total of 23 cardboard boxes were recovered from the vehicle, wherein, each box contained 50 quarters of country made liquor. Out of the said 23 boxes, the first nine boxes containing country made liquor consisted of the mark, “Oasis Overseas Exports Private Ltd. Village Jatwar, Tehsil Narayangarh District-Ambala, Haryana, For Sale in Haryana,” and the other nine boxes consisted of the mark “Orange Oasis Commercial Private Ltd. Village Jatwar, Tehsil Narayangarh, District Ambala, Haryana, For Sale in Haryana” and the remaining 5 boxes with country made liquor had the mark “*rasila santra masaledar desi sharab*, Village Badholi, Tehsil Narayangarh, District Ambala, Haryana, For Sale in Haryana.” The said 23 boxes were seized and thereafter, FIR No. 201/2015 was registered at P.S. Bara Hindu Rao for the offences under Sections 33/38 of the Delhi Excise Act, 2009 (for short, ‘Excise Act’). Subsequently, the driver of the said vehicle namely, Dinesh Jain (respondent No. 2) and conductor, Gunjan (respondent No. 3) were arrested on 19.12.2015. Then, the country made liquor bottles were seized and submitted in the *malkhana*, which were later sent for analysis to the Excise Control Laboratory, Vikas Bhawan, I.P. Estate.

4. During the course of investigation, documents of the said vehicle were seized which revealed that the offending vehicle is registered in the name of Meru Cab Company. Thereafter, a notice under Section 91 of the Cr.P.C. was served to Meru Cab Company, Dwarka Office upon which it was learnt that



the vehicle was registered in the name of “Meru Cab Company Pvt. Ltd.”, whose Directors were Farahat Gupta and Neeraj Gupta. After the investigation was complete, chargesheet was filed on 21.10.2016, wherein, the petitioner was chargesheeted under Section 52 of the Excise Act without arrest along with Dinesh Jain (respondent No.2) and Gunjan (respondent No.3) who were chargesheeted under Sections 33/38 of the Excise Act. Later, a supplementary chargesheet was also filed against “M/s Meru Cab Company” as the said company was the registered owner of the offending vehicle before the concerned learned Trial Court. *Vide* the summoning order dated 01.02.2021, learned ACMM-02, Central, Tis Hazari Courts issued summons against the present petitioner. Thereafter, *vide* order dated 10.08.2023, the learned ACMM had issued non bailable warrants against the present petitioner. Therefore, the present petition has been filed assailing the aforesaid orders.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been summoned by the learned Trial Court on account of the fact she was one of the Directors of the company, V-Link Taxis Pvt. Ltd. (the name of the said company was changed to Meru Cab Company Pvt. Ltd. on 11th July, 2008) despite the fact that she had resigned from the said company approximately 8 years before the alleged incident. Learned counsel relies upon Form-32 of the Ministry of Corporate Affairs, which reflects that the petitioner had resigned from V-Link Taxis Pvt. Ltd. *w.e.f.* 29.11.2007. It is further submitted that the petitioner was prosecuted being the Director of the company, i.e., Meru Cab Company Pvt. Ltd., in terms of Section 56 of the Delhi Excise Act.

6. Section 56 of the Delhi Excise Act, reads as under: -



“56. Commission of offence by companies.

(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of and responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of offence, and shall be liable to be proceeded against and punished accordingly: PROVIDED that where a company has different establishments or branches or different units in any establishment or branch, the concerned Chief Executive and the person in charge of such establishment, branch, unit nominated by the company as responsible for the conduct of the business shall be liable for contravention in respect of such establishment, branch or unit:

PROVIDED FURTHER that nothing in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall be liable to be proceeded against and punished accordingly.

Explanation. - for the purpose of this section -

“company” means any body corporate and includes a firm or other association of individuals; and “director”, in relation to firm, means a partner in the firm.”

7. During the course of hearing of the present petition, the State/respondent verified the records from the Registrar of Companies and by way of additional status report, it has been stated as under: -

“In continuation of previous status reports, it is further submitted that on 14/02/2024 hearing into the matter, petitioner contends that she has been summoned in the capacity of the director of the company even though she had already resigned about 8 years back. Learned APP for the state seeks some time to verify the records from Registrar of Companies.

In this regard, it is submitted that request has been sent to the Registrar of Companies (ROC), Mumbai and reply of the same has



been received. As per record of Registrar of Companies (ROC), Mumbai, petitioner/Farhat Gupta was the director in Meru mobility Tech Private Limited (changed into MLL Mobility Private Limited) from 04/12/2006 to 29/11/2007. Reply of ROC Mumbai is enclosed herewith for your kind perusal.”

8. Perusal of the aforesaid status report shows that the present petitioner had resigned from the accused company, which is now called as MLL Mobility Private Limited, wayback on 29.11.2007, however, the present offence was allegedly committed on 18.12.2015.
9. In view of the above, the present petition is allowed. The summoning order dated 01.02.2021 and non-bailable warrants issued *vide* order dated 10.08.2023 are hereby quashed and set aside *qua* the present petitioner.
10. The present petition is allowed and disposed of.
11. Pending application(s), if any are also disposed of.
12. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.

AMIT SHARMA, J

APRIL 3, 2025, nk/sc

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