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

\+ CRL.M.C. 4935/2019 & CRL.M.A. 37081/2019

MADHURIMA BAKSHI .....Petitioner

Through: Mr. Rishi Sood and Mr. Gurjot Singh, Advocates.

versus

REGISTRAR OF COMPANIES & ANR .....Respondents

Through: Mr. Vineet Dhanda, CGSC with Mr. Haridas Medha, Advocate for R-1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **02.05.2025**

1. The present petition under Section 482 of the Code of Criminal Procedure, 1973[1] seeks setting aside of order dated 28th June, 2019 passed by ACMM (Special Acts) Central District, Tis Hazari Courts in CC No. 535978/2016, dismissing the application on behalf of the Petitioner seeking compounding of offences punishable under Section 233B of the Companies Act, 1956 and setting aside of the underlying compliant under the said Section.

2. The aforenoted complaint was filed by Respondent No. 1 - Registrar of Companies - NCT of Delhi and Haryana[2], on account of default on the part of accused persons - including erring company, Respondent No. 2 - Connaught Plaza Restaurants Private Limited and the Petitioner herein who was a director in the said company - for not filing cost audit and cost

[1] "Cr.P.C."

auditing report within time under Section 233B of the Companies Act, 1956. Counsel for Petitioner states that the delay in filing the aforenoted record was due to a management dispute between the directors of the accused company.

3. In its report submitted before the Trial Court, ROC objected to the compounding application, on the grounds that the accused company was in continued default for non-filing of statutory returns for the year ending 31st March, 2017 and 31st March, 2018. In these circumstances, ROC urged that the compounding application ought to be rejected.

4. On the basis of this contention, the Petitioner's application for compounding the offence was rejected by the Trial Court, with the following observations in the impugned order:

> *"Hence, I am satisfied that no ground is made out to allow the compounding unless accused persons file upto date statutory returns. Accordingly, applications seeking compounding of offence stand dismissed."*

5. During the course of the proceedings today, counsel for the Petitioner points out that the annual returns, in compliance with Sections 92 and 137 of the Companies Act, 2013, have been filed by the accused company.

6. Counsel for ROC, states on instructions that the reason for their objecting to the Petitioner's application for compounding no longer survives, and acknowledges that the annual returns have since been filed in compliance with the provisions of the Companies Act, 2013.

7. In light of the above statement made by counsel for the ROC, the present petition is disposed of, permitting Petitioner to re-apply for compounding of the offence punishable under Section 233B of the

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[2] "ROC"

Companies Act, 1956, which application shall then be considered by the concerned court on its own merits and in light of the observations made hereinabove.

8. With the above directions, the present petition is disposed of, along with pending application.

SANJEEV NARULA, J

MAY 2, 2025/*d.negi*