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

+ **CRL.M.C. 6142/2025 & CRL.M.A. 26089/2025 STAY**

MUKUL TYAGI & ANR.

.....Petitioner

Through: Mr. Ankit Miglani, Mr. Nikhil
Mandhotra, Advs.

versus

REGISTRAR OF COMPANIES, NCT OF DELHI AND HARYANA

.....Respondent

Through: Mr. Amit Tiwari, CGSC, Mr. Ayush
Tanwar, Ms. Ayushi Srivastava, Mr.
Arpan Narwal, Advs.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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15.09.2025

CRL.M.C. 6142/2025

1. This is a petition under Section 528 BNSS seeking quashing of the order dated 07.08.2024 and the complaint case bearing Ct. case no. 1621/2023 titled as "*Registrar of Companies Vs. Mukul Tyagi & Anr.*" Pending before the Court of Ld. ACJM (Special Acts), Central District, Tis Hazari Courts.
2. The Ld. Counsel for the petitioners submits that the respondent filed the complaint after an inordinate delay of one year, two months and two days along with the application under Section 473 Cr.P.C. for condonation of delay in filing the complaint. However, the Ld. Trial Court without



disposing the application and without condoning the delay proceeded to pass the summoning order dated 07.08.2024.

3. Mr. Ayush Tawar, Ld. Counsel appearing for the respondent fairly states that the Trial Court proceeded to pass summoning order without disposing the complainant's application under Section 473 Cr.P.C.

4. The Court cannot take cognizance of an offence if the complaint is filed beyond the prescribed limitation period, unless delay is condoned under Section 473 Cr.P.C. The Court must consider limitation under Section 468 Cr.P.C. at the time of taking cognizance, and if prosecution is barred, it must consider whether Section 473 Cr.P.C. can save the case. Delay condonation under Section 473 Cr.P.C is a condition precedent for valid cognizance where limitation applies.

5. In view of the same, the impugned order dated 07.08.2024, summoning the petitioners as accused cannot be sustained. The petition is therefore allowed and impugned order dated 07.08.2024 is set aside and with direction to the Trial Court to pass appropriate orders on application under Section 473 Cr.P.C. filed by the respondent before proceeding further with the complaint filed by the respondent.

RAVINDER DUDEJA, J

SEPTEMBER 15, 2025/lks/sk