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

+ CRL.M.C. 5778/2023 & CRL.M.A. 21739/2023(Stay)
CRL.M.A. 21741/2023(Records of TCR), CRL.M.A.
21742/2023(Delay)

SANJAY KHANNA & ANR. Petitioners

Through: Mr. Hrishikesh Baruah and Mr.
Shubham Agarwal, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) & ANR. Respondents

Through: Mr. Hitesh Vali, APP for State.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **14.08.2023**

CRL.M.A. 21740/2023(Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The applications are disposed of accordingly.

**CRL.M.C. 5778/2023 & CRL.M.A. 21739/2023(Stay), CRL.M.A.
21741/2023(Call for records of TCR), CRL.M.A. 21742/2023(Delay)**

3. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:-

“a) Allow the present petition and quash the Complaint being Ct Case No. 4393 of 2018 (old case no. 1569114 ICC No. 5043 of 2014) titled "IFCI Factors Limited vs. M/s Metaphor Exports Pvt. Ltd. & Ors." Pending before court of Sh. Nishant Bangarh, Ld. MM, South East District, Saket Courts, New Delhi and all other proceedings/orders emanating therefrom including order dated 22.02.2014 passed by the Ld. MM qua the Petitioners I Accused No.5 &6.

b) Pass any such other I further order(s) as this Hon'ble Court may deem fit and proper in the given facts and circumstances and in the



interest of justice”.

4. Learned counsel appearing on behalf of the petitioners has drawn the attention of this Court to the complaint filed by respondent no.2, wherein in para 2 it has been averred that as per Form 20B filed along with complaint, the present petitioners are Directors of the company. It is submitted that Form 20B annexed alongwith the complaint, however, reflects that the petitioners are not Directors of the company.
5. In view thereof, learned counsel appearing on behalf of the petitioners submits that the summoning order dated 22.02.2014 is not sustainable in law as it has been passed without application of mind.
6. Issue notice.
7. Learned APP accepts notice for respondent no.1/State.
8. On the petitioner taking necessary steps, issue notice to respondent no.2, by all permissible modes, including through electronic mail, if any, returnable on, 10.10.2023.
9. In the meantime, proceedings before the learned Trial Court *qua* the present petitioners shall remain stayed, till the next date of hearing.
10. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

AUGUST 14, 2023/nk