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

+ **CRL.M.C. 1158/2020 & CRL.M.A. 4506/2020**

SHRI VIJAY PAL YADAV & ANR. Petitioner

Through: **Mr.Utkarsh Sharma, Advocate.**

versus

**INCOME TAX DEPARTMENT THROUGH PRINCIPAL
COMMISSIONER OF INCOME TAX-6 & ANR.**

.... Respondent

Through: **Mr.Sunil Agarwal, Sr. Standing
Counsel; Mr.Tushar Gupta, Jr.
Standing Counsel with Mr.Samarth
Chaudhari, Advocate.**

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 18.01.2022

(through Video Conferencing)

Learned senior Standing Counsel for the respondents seeks time to seek confirmation qua the aspect of the demise of the petitioner no.1.

The prayer made in the instant petition was to the effect:-

“i. Quash Criminal Complaint No.7951/2019, filed under Section 276C(2) r/w Section 278B/278E of the Income Tax Act, 1961, pending before the Court of Learned Additional Chief Metropolitan Magistrate (Special Acts), Tis Hazari Courts, Delhi, qua the Petitioners.

ii. Quash the summoning order dated 27.08.2019, passed by the Learned Additional Chief Metropolitan Magistrate (Special Acts), Tis Hazari Courts, Delhi in Criminal Complaint No.7951/2019, qua the Petitioners.”



It is however, submitted at the outset on behalf of the petitioners by the learned counsel for the petitioners that the complaint case i.e. CC No.7951/2019 which was premised on the aspect of alleged wilful violation of payment of Income Tax qua alleged commission of offences punishable under Sections 276C(2) r/w Section 278B/278E of the Income Tax Act, 1961 for the assessment year 2009-10 itself qua the said aspect, the assessment order and the order passed by the CIT appeal has since been quashed by the ITAT.

The certified copy of the order of the ITAT be placed on the record by the petitioners and the said aspect be also verified by the respondents.

The matter in the circumstances, be re-notified for 07.03.2022.

ANU MALHOTRA, J

JANUARY 18, 2022

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