



\$~59

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

+ **CRL.M.C. 679/2018 & CrI. M.A. 2437/2018**

D C M FINANCIAL SERVICES LTD & ORS Petitioners

Through: Mr. R.N. Mittal, Sr. Adv. With Mr.
Prashant Bhardwaj and Mr. Gajanand
Kirodiwal, Advs.

versus

STATE & ORS Respondents

Through: Mr. Mukesh Kumar, Addl. PP for the
State with SI Pardeep Kumar

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **08.02.2018**

CrI. M.A. 2438 & 2439/2018 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 679/2018

1. The petitioner seeks quashing of FIR No. 68/1998 under Sections 420/506 IPC, Police Station Kotla Mubarakpur, New Delhi and the consequent proceedings on merits.

2. Learned Senior Counsel for the petitioner submits that further proceedings in the said FIR had been stayed by this Court by order dated 06.05.2015, 03.09.2015 and 28.09.2005 in Company Application No. 579/2005 in DCM Financial Services Ltd. Vs. State & Ors. It is contended that despite the proceedings having been stayed, the trial court has directed for personal appearance of petitioner no. 2 and 3 vide order dated 16.12.2017.



3. Learned Senior Counsel for petitioner submits that the trial court has, though noticed that the proceedings before the trial court have been stayed, still listed the matter for further proceedings and personal appearance of petitioner no. 2 and 3. Copy of the order has been produced in Court. The same is taken on record.

4. Issue notice. Notice is accepted by learned Addl. PP for the State. Notice shall issue to respondent no. 2 to 14 returnable on 20.08.2018.

5. Perusal of order dated 16.12.2017 shows that the trial court was apprised of the orders passed by this Court staying further proceedings. Despite that the trial court has listed the matter for further proceedings and for appearance of accused i.e. petitioner no. 2 and 3. The trial court has also noticed the contention of the petitioners that the said stay order has not been vacated and is in force. Since the proceedings had been stayed no further order could be passed by the trial court except to await the orders of the High Court. In view of the fact that the proceedings are stayed, the trial court could not have directed for listing the matter for appearance of the accused.

6. In view thereof the directions of the trial court, in order dated 16.12.2017, directing for personal appearance of accused i.e. petitioner no. 2 and 3 are stayed till the next date of hearing.

7. Order *Dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 08, 2018

'rs'