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

+ **CRL.M.C. 5699/2024**

PRAVEEN KUMAR PANDEY

.....Petitioner

Through: Mr. B.P. Pandey and Mr. R. B. Singh,
Advocates.

versus

THE STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **26.07.2024**

CRL.M.A. 21786/2024 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.A. 21787/2024

1. This application under Section 482 Cr.P.C has been filed by the Petitioner for condonation of delay of 65 days in re-filing the present petition.
2. For the reasons stated in the application, the same is allowed and the delay in re-filing the present quashing petition is condoned.
3. The application is disposed of.

CRL.M.C. 5699/2024

1. The Petitioner has approached this Court challenging the Summoning Order dated 07.03.2023 passed by the Ld. MM-11, South East District, Saket Courts, New Delhi in CT Case No.622478/2016.
2. It is stated by the learned Counsel for the Petitioner that the



Complainant and the Petitioner incorporated a company called Maha Shakti India Private Limited. It is stated that, in the complainant, the allegation of defalcation has been made against the Petitioner. It is stated that the funds alleged to be defalcated belongs to the company. It is stated that the complaint has not been made by the company but by a shareholder of the company.

3. The short question which has been raised is that the complainant should have been the company along with the complainant and the complaint filed by its shareholder is not maintainable.

4. Issue notice.

5. Learned APP appearing for the State accepts notice.

6. On payment of process fee, let notice be issued to Respondent No.2 through all permissible modes, including *Dasti*.

7. List on 03.10.2024.

SUBRAMONIUM PRASAD, J

JULY 26, 2024

S. Zakir