

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.3631/2024
[@ SLP(CRL.) NO.2909/2019]

M/S GLORY APARTMENT PVT. LTD.

Appellant(s)

VERSUS

YOGESH CHANDRA GOYAL & ANR.

Respondent(s)

WITH

CRIMINAL APPEAL NO.3632/2024
[SLP(CRL.) NO.7042/2019]

O R D E R

1. Leave granted.

2. These appeals by Special Leave Petitions arise from the judgment and order passed by the High Court of Delhi at New Delhi in CRLMC No. 4013/2016 & 4003/2016 dated 09-01-2019.

3. On the basis of a criminal complaint bearing CC No.146/3 of 2012 filed by respondent No.1 on behalf of respondent No.2 under Section 630 of Companies Act, 1956, the Metropolitan Magistrate by order dated 15.09.2015 issued process. This

order was successfully challenged by the appellant in Criminal Revision Petition No.29 of 2015, where the Sessions Judge by common order dated 02.04.2016 allowed the Revision and set aside the summoning order dated 15.09.2015. Respondents herein filed a Revision and the High Court by the order impugned before us, while allowing the Revision not only restored the summons issued by the ACMM under Section 630, but also added offences under Sections 408 and 447 of the IPC to it.

4. We have heard Mr. Anil Kaushik and Ms. Kiran Suri, learned Senior Counsel for the parties.

5. While we are not inclined to interfere with the order passed by the High Court, which restores the summoning order passed by the ACMM dated 15.09.2015, we are not in agreement with the modification made by the High Court directing summoning of the respondent viz. Kamlesh Kumar Goel additionally for the offences punishable under Sections 408/447 IPC. Judgment and order of the High Court to the extent of adding offences under Sections 408 and 447 IPC is hereby set aside.

6. The appeals are partly allowed to the extent as indicated above. The process issued by the Metropolitan Magistrate under Section 630 of the Companies Act is restored.

7. Needless to say that we are not expressing any opinion whatsoever on the merits of the matter.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[PANKAJ MITHAL]

New Delhi
August 27, 2024.

ITEM NO.64

COURT NO.15

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2909/2019

(Arising out of impugned final judgment and order dated 09-01-2019 in CRLMC No. 4013/2016 passed by the High Court Of Delhi At New Delhi)

M/S GLORY APARTMENT PVT. LTD.

Petitioner(s)

VERSUS

YOGESH CHANDRA GOYAL & ANR.

Respondent(s)

([TO BE TAKEN UP AT 2.00 P.M.]

IA No. 47760/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(Crl) No. 7042/2019 (II-C)

Date : 27-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
 HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Anil Kaushik, Sr. Adv.
 Mr. Tanmaya Mehta, Adv.
 Mr. Mayank Gautam, Adv.
 Mr. Rajat Rana, Adv.
 Ms. Arunima Dwivedi, AOR

For Respondent(s) Ms. Kiran Suri, Sr. Adv.
 Mr. Purvesh Buttan, Adv.
 Mr. S.j. Amith, Adv.
 Ms. Vidushi Garg, Adv.
 Mr. Prateek Chowdhary, Adv.
 Ms. Antara Chowdhary, Adv.
 Ms. Jaspreet Kaur, Adv.
 Dr. Mrs. Vipin Gupta, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.
2. The appeals are partly allowed in terms of the signed order
3. Pending application(s), if any, shall stand disposed of.

(INDU MARWAH)
AR-cum-PS

(NIDHI WASON)
COURT MASTER (NSH)

(Signed order is placed on the file)