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

Date of Decision: August 04, 2015

+ **CRL.M.C. 3116/2015 & CrI.M.As.11123-24/2015**

SOURAV TANEJA Petitioner
Through: Mr. Vaibhav Vats, Advocate

versus

SWATI TANEJA Respondent
Through: Nemo

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

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Quashing of complaint under Section 12 of *the Protection of Women from Domestic Violence Act, 2005* is sought in this petition on merits as well as on the ground of limitation.

At the hearing, learned counsel for petitioner submits that the limitation period for filing the said complaint is one year and the instant complaint has been filed after a delay of 21 months'. It is further submitted that an application under Section 468 of Cr.P.C. for dismissal of the complaint as time barred was filed before the trial court in December, 2014 and is still pending and despite innumerable opportunities, no reply has been filed by respondent-complainant. Reliance is placed by learned counsel for petitioner upon decisions of

Apex Court in *Japani Sahoo v. Chandra Sekhar Mohanty* AIR 2007 SC 2762 and *Inderjit Singh Grewal v. State of Punjab & Anr.* (2011) 12 SCC 588 to submit that the complaint in question deserves to be dismissed on a short ground of complaint being time barred.

Upon hearing and on perusal of the summoning order and the various orders passed by the trial court, I do find that this matter is pending for the last more than six months for the reply of respondent-complainant to the application under Section 468 of Cr.P.C. and the next date of hearing is 2nd September, 2015.

To entertain this petition on merits would be premature. So far as the ground of limitation is concerned, the same is already *sub judice* before the trial court. In the facts and circumstances of this case, it would suffice if trial court is directed to expeditiously decide petitioner's application under Section 468 of Cr.P.C. in the light of Section 473 of Cr.P.C.

Accordingly, this petition is disposed of while refraining to quash the complaint in question on merits with the direction to trial court to decide petitioner's pending application within a period of four months from the date already fixed.

Trial court be apprised of this order forthwith.

This petition and the applications accordingly disposed of.

(SUNIL GAUR)
JUDGE

AUGUST 04, 2015

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