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

+ CRL.M.C. 4953/2015

DEEPAK KHOSLA & ORS. Petitioners
Through Petitioner no.1 in person.

versus

STATE OF NCT OF DELHI Respondent
Through Ms.Meenakshi Chauhan, APP for the
State.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **08.03.2016**

The present petition has been filed by the petitioners for restoration of Complaint Case No.106/03 which was dismissed in default for non-prosecution vide order dated 31st October, 2013 by the Court of learned ACMM (Spl. Acts), Central Delhi.

Thereafter, the revision petition was filed which was dismissed by the learned Additional Sessions Judge vide order dated 30th October, 2015 and aggrieved by the same, the present petition has been filed.

Argument advanced by the petitioner is that the Division Bench of this Court, vide order dated 24th April, 2012, stayed the pending proceedings or institution of new proceedings in the High Court or District Courts.

It has further been argued by the petitioner no.1 that the order

dated 24th April, 2012 remained in operation and ultimately, the stay was vacated by this Court vide order dated 13th January, 2015.

The grouse of the petitioner is that during the pendency of the stay of the proceedings, the present CC No.106/03 was dismissed in default.

Further grouse of the petitioner is that the revisional Court has not taken into consideration the stay of the proceedings by the Division Bench of the High Court vide order dated 24th April, 2012.

In the facts and circumstances, this Court is of the considered opinion that the dismissal of the complaint being C.C. No.106/03 during the pendency of the stay of the proceedings including the present complaint by the High Court, is not sustainable in the eyes of law. Consequently, the Complaint Case No.106/03 is restored to its original number.

With the above observation, the present petition is disposed of.

P.S.TEJI, J

MARCH 08, 2016

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