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

% Decided on: March 09, 2017

+ **W.P.(CRL) 355/2017**

ARUN MITTER

..... Petitioner

Represented by: Mr. Sunil Magon, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Represented by: Ms. Nandita Rao, Additional
Standing Counsel for the State
with SI Chander Shekhar, PS
Hazrat Nizamuddin.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

1. A complaint was filed by one Arti Gupta against Tulsi Singh Rajput and others being CRC No. 632400/16. Before the accused could be summoned an application was filed by the learned counsel for the complainant that the complaint has abated as the complainant has died.
2. As the complainant had died the learned Trial Court vide the impugned order dated 10th November, 2016 held that the complaint case stands abated and the accused acquitted of the offence and consigned the file to the record room.
3. The present writ petition has been filed by one Arun Mitter seeking quashing of the order dated 10th November, 2016. The petitioner admittedly is not a legal heir of the complainant Arti Gupta in CRC No. 632400/16.

4. The legal position in criminal law is well settled that any person can set the criminal law into motion and the concept of locus standi of the complainant is alien to the criminal law as held by the Constitution Bench decision reported as AIR 1984 SC 718 A.R. Anantula vs. R.S. Nayak. However, once a complaint is initiated then actions thereon can be taken as per the Code of Criminal Procedure and the present petitioner admittedly not being a legal heir of the complainant, cannot step in to the shoes of the complainant and seek remedies against the impugned order.

5. The present petition is dismissed as not maintainable.

(MUKTA GUPTA)
JUDGE

MARCH 09, 2017

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