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

DECIDED ON : FEBRUARY 15, 2018

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CRL.L.P. 113/2018

S P BABBAR

..... Petitioner

Through : Mr.Ashish Kumar Das, Advocate.

versus

ROMI MAGGO & ORS

..... Respondents

Through : None.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (ORAL)

Crl.M.A.No.2847/2018 (Exemption)

1. Exemption allowed subject to all just exceptions.
2. The application stands disposed of.

Crl.M.A.No.2848/2018 (Delay)

- 1 For the reasons mentioned in the application, the delay of 99 days in filing the leave petition is condoned.
2. The application stands disposed of.

CRL.L.P. 113/2018

1. Present leave petition has been preferred by the petitioner to challenge the legality and correctness of an order dated 26.08.2017 of learned ACMM (SW); Dwarka Courts in Complaint Case No.73/1/14.

2. I have heard the learned counsel for the petitioner and have examined the file. On perusal of the file, it reveals that a complaint case was filed by the petitioner against the respondents for commission of offence punishable under Sections 499/500/120-B IPC in the year 2008. The respondents were summoned in the said proceedings to face trial. The respondents were discharged by an order dated 30.01.2016. However, the revisional court allowed the revision filed by the petitioner. When the matter was listed before the court for consideration on charge, the petitioner was burdened with costs of ₹1,000/- which was to be paid to each of the respondents total being ₹11,000/-. The said order was challenged before the revisional court. It was dismissed vide order dated 14.07.2017.

3. When the case was listed before the trial court for further proceedings, the petitioner was directed to pay the costs imposed. The petitioner, however, did not pay the costs despite time granted. Contrary to that, an application for waiver of costs was filed before the trial court despite the fact that the order imposing costs was upheld in revision. Since the petitioner did not comply with the orders and costs imposed was not paid to the respondents, the present complaint case was dismissed for non-prosecution.

4. I find no illegality or irregularity in the impugned order as despite knowledge regarding imposition of costs, the petitioner deliberately did not comply the order. The petitioner has impleaded all the eleven respondents to whom he expects to appear before the trial court to answer the leave petition. Earlier also, he had filed the revision petition upon imposition of costs whereby the respondents had put appearance

before the revision court. The respondents who are the members of the Resident Welfare Association (Regd.) cannot be harassed due to petitioner's own inaction. The complaint case is pending since 2008 and no effective proceedings have taken place so far. Since the petitioner/complainant was at default for not complying with the orders of the court; the impugned order dismissing the complaint case for non-prosecution suffers from no illegality. No sufficient grounds exist to grant leave to file appeal against the said order.

5. The leave petition is dismissed.

S.P.GARG
(JUDGE)

FEBRUARY 15, 2018/sa

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