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

*Date of decision: 30.10.2019*

+ CRL.M.C. 1877/2017

SMT OMWATI

..... Petitioner

Through: Mr. Arun Kumar Kaushik, Adv.

versus

SATISH KUMAR & ANR

..... Respondents

Through: Ms. Priyanka Kapoor, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**J U D G M E N T ( O R A L )**

1. Vide the present petition, the petitioner has challenged order dated 27.02.2017, whereby the learned Trial Court had dismissed the complaint filed by the petitioner.

2. The present petition is filed on the ground that in the impugned order, the learned Trial Court had observed that none appeared on behalf of the complainant on two consecutive dates, whereas, as per the order sheets, on 23.04.2016, the petitioner/complainant was present in Court with her counsel and the matter was adjourned to 18.10.2016. Further, on 18.10.2016, the petitioner/ complainant had sought exemption on the ground that she was unwell.

3. Fact remains that the complaint was filed by the petitioner in the year 2003. Till date, even the charge has not been framed, whereas, summons to the respondent No. 1 was issued vide order dated 14.01.2005. This establishes that the petitioner/ complainant is not serious to proceed with the complaint.

4. It is not in dispute that on 18.10.2016, none appeared on behalf of the complainant. This fact itself establishes that the petitioner wants the complaint to linger on. Since the complaint pertains to the year 2003, the respondents already suffered lot due to the lackadaisical approach of the petitioner/ complainant and moreover, there is inordinate delay in adjudicating the complaint. On this ground itself, the complaint deserves to be dismissed.

5. Accordingly, I find no illegality or perversity in the impugned order. Finding no merit in the present petition, the same is dismissed accordingly.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**OCTOBER 30, 2019**

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