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

+ **CRL.M.C. 5333/2022**

NEETU SINGH

..... Petitioner

Through: Ms. Nupur, Adv. (VC).

versus

PARAMOUNT COACHING CENTRE PVT LTD Respondent

Through: Appearance not given.

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Date of Decision: 22.08.2023.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed under section 482 Cr.P.C. challenging the order dated 07.10.2022 passed by Ld. ASJ, Central, Tis Hazari Courts, Delhi in CR. No. 520/2022.
2. Briefly stated, the Respondent Company is a private Ltd. company incorporated in the year 2009 under the Companies Act. The Petitioner, Neetu Singh and her husband, Rajeev Saumitra are directors in the Respondent Company and hold 50% shares each in the Respondent Company. The Respondent Company, through its director, Rajeev Saumitra, had filed a complaint u/s 452 of the Companies Act, 2013 against the Petitioner for wrongfully holding the company's properties, seeking the relief of delivery of peaceful physical possession of the Company's rented accommodation bearing No. 705, First Floor, Dr

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Mukherjee Nagar, Delhi-110009 and 706, Ground Floor, Dr Mukherjee Nagar, Delhi-110009. As per the Complainant, the Petitioner took advantage of her position as a director and started using the said tenanted premises for carrying on her individual companies i.e. M/s Paramount Reader Publication OPC Pvt. Ltd. and K.D. Campus Pvt. Ltd., while the rent was being paid by the Respondent Company regularly. During the course of the trial, the petitioner/accused opted to appear as a witness and was examined in chief on 12.04.2018 and her cross-examination was deferred at the request of Ld. Counsel for the respondent. Thereafter, she avoided appearing before the court on 19.05.2018, 19.07.2019, 29.08.2018, 15.10.2018, 10.01.2019, 18.03.2019, 27.05.2019, 24.12.2019 and thereafter on 19.02.2020 it was inadvertently recorded that she has been cross-examined and the matter was listed for final arguments. The petitioner again opted to remain absent on 11.01.2021. Post-COVID stage, the matter was re-notified for DE. Thereafter, on 04.05.2022, the matter was re-listed for cross-examination of petitioner for 09.09.2022. Consequently, on 09.09.2022 the petitioner failed to turn up before the court till 12.20 PM, after which the Ld. Trial court opted to close the opportunity afforded to the petitioner to lead D.E. and the D.E. was accordingly closed.

3. Aggrieved by the said impugned order dated 09.09.2022, the petitioner preferred a Revision Petition bearing CR No.520/2022 and the Ld. Sessions Judge vide its order dated 07.10.2022 allowed the Revision



Petition but directed the Petitioner to deposit a sum of Rs. 1,80,000/- for wasting the Court's time on six different occasions. Out of the said amount of Rs. 1,80,000/-, Rs. 1,50,000/- had to be deposited with Lawyers Welfare Fund, Tis Hazari Court and the balance amount of Rs. 30,000/- was to be paid to the Complainant/ Respondent.

4. I have heard the arguments of both the counsels for the parties.
5. This court is of the opinion that imposing suitable costs/penalties can prevent gross abuse and misuse of the process of law and further discourage individuals from delaying the complaint proceedings pending before the Ld. Trial Courts. The petitioner in the present case has delayed the proceedings pending before the Ld. Trial Court. The costs ought to commensurate with the conduct of the litigants and the damage inflicted upon the other party, in order to dissuade frivolous lawsuits and unlawful conduct.
6. The Hon'ble Supreme Court in **Ramrameshwari Devi v. Nirmala Devi**, (2011) 8 SCC 249, held that it is imperative that courts take into account practical realities and adopt a realistic approach when imposing costs. The Apex court *inter-alia* held as under:

“52. ...C. Imposition of actual, realistic or proper costs and or ordering prosecution would go a long way in controlling the tendency of introducing false pleadings and forged and fabricated documents by the litigants. Imposition of heavy costs would also control unnecessary adjournments by the parties. In appropriate cases the courts may consider ordering prosecution otherwise it



may not be possible to maintain purity and sanctity of judicial proceedings. ...

xxx xxx xxx

54. While imposing costs we have to take into consideration pragmatic realities and be realistic what the Defendants or the Respondents had to actually incur in contesting the litigation before different courts. We have to also broadly take into consideration the prevalent fee structure of the lawyers and other miscellaneous expenses which have to be incurred towards drafting and filing of the counter affidavit, miscellaneous charges towards typing, photocopying, court fee etc.

55. The other factor which should not be forgotten while imposing costs is for how long the Defendants or Respondents were compelled to contest and defend the litigation in various courts. The Appellants in the instant case have harassed the Respondents to the hilt for four decades in a totally frivolous and dishonest litigation in various courts. The Appellants have also wasted judicial time of the various courts for the last 40 years.”

7. In regard to the scope of jurisdiction under Section 482 of Cr.P.C. Hon’ble Supreme Court in **S W Palanitkar v State of Bihar**, (2002) 1 SCC 24, *inter-alia* held as under:

“... whereas while exercising power under Section 482 Cr.P.C. the High Court has to look at the object and purpose for which such power is conferred on it under the said provision. Exercise of



inherent power is available to the High Court to give effect to any order under Cr.P.C., or to prevent abuse of the process of any court or otherwise to secure the ends of justice. This being the position, exercise of power under Section 482 Cr.P.C. should be consistent with the scope and ambit of the same in the light of the decisions aforementioned. In appropriate cases, to prevent judicial process from being an instrument of oppression or harassment in the hands of frustrated or vindictive litigants, exercise of inherent power is not only desirable but necessary also, so that the judicial forum of court may not be allowed to be utilized for any oblique motive. When a person approaches the High Court under Section 482 Cr.P.C. to quash the very issue of process, the High Court on the facts and circumstances of a case has to exercise the powers with circumspection as stated above to really serve the purpose and object for which they are conferred.”

8. In the present case, the petitioner has prolonged the trial by adopting dilatory tactics, and further depriving the defendant of speedy justice. The view of the Ld Trial court to impose cost on the petitioner cannot be said to be perverse. Hence I find no infirmity in the impugned order dated 07.10.2022 passed by the Ld ASJ, Central, Tis Hazari Courts, Delhi in CR. No. 520/2022.
9. In view of the above, the present petition is dismissed.



DINESH KUMAR SHARMA, J

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