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

+ **CRL.M.C. 1830/2024**

NITIN KHURANA

..... Petitioner

Through: Mr. Vansh Gandotra, Mr. Naman Sabharwal, Mr. Kartik Gandotra and Mr. Vidur Marwah, Advocates.

versus

PRAKASH MEENA

..... Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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04.03.2024

CRL.M.A. 6982/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. Present petition has been filed by the Petitioner, who is a complainant before the Trial Court, seeking the following reliefs:-

“a) Pass an order to expedite the disposal of Complaint Case bearing no. 465234/2016 titled as "Nitin Khurana vs. Prakash Meena" pending before the Ld. Metropolitan Magistrate, South, Saket Courts, New Delhi.

b) Pass a direction to the Ld. Metropolitan Magistrate, South, Saket Courts, New Delhi to dispose of the abovementioned matter within a period of 3 months; and”

4. Facts to the extent necessary for deciding the present petition are that the Petitioner contacted a property dealer in June, 2009 to inquire about the status of Plot No. W-91, Greater Kailash-II, New Delhi and met the



Respondent who stated that he had been given development rights over the plot by the owner Ashok Kumar Jain. Petitioner, allegedly induced by the Respondent and assured of a profit of Rs.25 lacs, entered into a Memorandum of Understanding on 23.09.2009. However, despite assurances the invested sum of Rs.25 lacs with profit of Rs.25 lacs was not given to the Petitioner and in turn the Respondent sent a legal notice levelling certain allegations. Aggrieved with the action of the Respondent of allegedly cheating him, Petitioner filed an application under Section 156(3) Cr.P.C. on 08.07.2010.

5. The grievance of the Petitioner, ventilated in the present petition is that despite a passage of nearly 14 years, the matter is still pending before the learned Trial Court and the Respondent is adopting every possible delay tactic to prolong the trial. It is urged by learned counsel for the Petitioner that status report was filed on behalf of the State on 28.07.2010 after which further report was sought and was filed on 09.09.2010 and the matter was fixed for arguments on 28.09.2010. After adjournments, arguments were heard on the application on 23.10.2010 and the matter was put up for orders on 03.11.2010. Application was dismissed on 03.11.2010, listing the matter for pre-summoning evidence for 23.12.2010. For several dates, the matter was adjourned for one reason or the other and finally, pre-summoning evidence concluded on 30.08.2012, after examining two complainant's witnesses CW-1 and CW-2. After order on summoning, the Trial Court summoned the Respondent under Sections 204/420 IPC and fixed the matter for 09.01.2013. Thereafter, over several dates of hearings, matter was adjourned for recording of complainant's evidence and finally on 20.01.2020, the last witness CW-4 was cross-examined and discharged and



pre-charge evidence was closed, fixing the matter for arguments on charge on 29.01.2020. Part arguments were heard on 24.02.2020. Respondent filed an application under Section 91 Cr.P.C. on 26.02.2021 for production of original MoU and entry register of stamp vendor. Matter was listed for arguments on charge and consideration of application for 08.03.2021. The application was dismissed on 13.12.2022 and from then to now, no further arguments have taken place and the proceedings are at a standstill.

6. Learned counsel for the Petitioner contends that Petitioner has been struggling to recover his money from the Respondent since 2010 but despite passage of 14 years there is no substantial progress before the Trial Court. Respondent is making every effort to prolong the trial knowing that he has no case on merits. At one stage, disputes were amicably settled and Respondent had agreed to pay a sum of Rs.36 lacs out of which Petitioner received a sum of Rs.3 lacs but the settlement did not fructify. The arguments on charge started on 29.01.2020 and have not concluded so far *albeit* Petitioner is conscious of the fact that a large part of adjournments in this period were on account of restricted functioning of Courts due to Pandemic COVID-19. It is urged that the matter is now fixed for further arguments on charge on 29.04.2024 and a direction be issued to the Trial Court to conclude the hearing on charge on the next date so that the matter can proceed further and trial can be concluded expeditiously.

7. I have heard the learned counsel for the Petitioner and perused the order sheets filed along with the petition.

8. Indisputably, the present litigation started on 08.07.2010 when the Petitioner filed an application under Section 156(3) Cr.P.C. There are a host of reasons on account of which the matter has been pending for the last 14



years, as evident from the order sheets. It is factually correct that arguments on charge commenced on 29.01.2020 and have not concluded till date *albeit* counsel for the Petitioner fairly admits that for most of this period the matters were being adjourned due to truncated functioning of the Courts on account of the Pandemic COVID-19.

9. Looking at the fact that this case has been pending since 2010 and 04 years have passed since arguments on charge commenced, this Court deems it appropriate to dispose of this petition with a request to the Trial Court to make every endeavour to ensure that arguments conclude on framing of charge on the next date i.e. 29.04.2024 and order is passed as expeditiously as possible. No unnecessary adjournments will be given to either party by the Trial Court. Needless to state that if the Petitioner is still aggrieved, he shall be at liberty to take recourse to appropriate remedies available in law.

JYOTI SINGH, J

MARCH 04, 2024/shivam