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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 305/2023, CRL.M.A. 24052/2023, CRL.M.A. 29712/2023,
CRL.M.A. 5519/2024 & CRL.M.A. 5520/2024
RAJ KUMAR KAPOORAppellant

Through: Mr. Deepak Biswas, Ms. Ruchika
Rathi, Ms. Varsha Agarwal and Mr.
Junaid Khan, Advs.

Versus

VIJAY JUNEJARespondent

Through: Mr. Ajjay Aroraa, Sr. Advocate with
Mr. Vansh Luthra, Advocate.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
10.12.2024

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CM No. 29189/2024 (for impleading LRs of the deceased petitioner)

1. This is an application filed under section 482 of Code of Criminal Procedure, 1973 seeking impleadment/substitution of the Legal heirs of the deceased appellant as parties in place of the deceased Appellant.
2. Mr. Aroraa, learned senior counsel, on instructions, states that has no objection if the application is allowed and the legal heirs of the appellant are brought on record.
3. For the said reasons, the application is allowed and the legal heirs of the appellant are brought on record.
4. The application is disposed of.

CRL.A. 305/2023



5. This is an appeal filed under section 341 of Code of Criminal Procedure, 1973 seeking to set aside the impugned order dated 13.01.2023 passed by the learned ADJ-07, South-East District, Saket Courts, Delhi, whereby the application filed by the appellant under Section 340 of Code of Criminal Procedure, 1973 has been dismissed.

6. Mr. Biswas, learned counsel for the appellant states that the appellant has already filed an application under Section 156(3) of Code of Criminal Procedure, 1973 and it has already been directed that an FIR will be registered against the respondent. However, the findings recorded in the impugned order dated 13.01.2023 and more particularly, in para 7 will come in the way of an effective adjudication of the investigation against the respondent and also in the trial of the civil suit filed by the appellant bearing no. CS/DJ/78/2022 pending before the learned ADJ-04, South-East District, Saket Courts, Delhi.

7. Mr. Aroraa, learned senior counsel, on instructions, states that he has no objection if the subsequent proceedings i.e. the investigation in the FIR and the trial of the civil suit, is adjudicated on its merits without having regard to the observations made in para 7 of the impugned order dated 13.01.2023.

8. Taking his statement on record, it is directed that the investigation in the FIR as well as the proceedings in the trial of the civil suit will not be influenced by the observations made in para 7 of the impugned order and shall be adjudicated on its own merits.

9. In this view of the matter, the appeal including the pending applications, if any stands disposed of leaving all the contentions of the parties left open to be adjudicated in the FIR and the civil suit.



10. Further dates in the matter stands cancelled.

DECEMBER 10, 2024/akc

JASMEET SINGH, J