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

+ CRL.M.C. 4347/2023 and CRL.M.A. 16326/2023

SH SUNIL KUMAR

..... Petitioner

Through: Ms.Sonia Mathur, Sr. Advocate with
Mr.Amit Tiwari, Ms.Shubhi B., Mr.Soumava K.,
Mr.Akhil S. and Mr.Amit Kumar, Advocates
versus

PROFESSOR KAPIL KUMAR

..... Respondent

Through: Mr.Varun Jain, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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17.05.2024

1. By way of present petition filed under Section 482 read with Section 483 Cr.P.C. and Article 227 of the Constitution of India, the petitioner seeks stay of the proceedings in Complaint Case No.15726/2017 titled as 'Prof. Kapil Kumar vs Sunil Kumar' till the disposal of Criminal Revision being CR. REV. 410/2023 preferred by him and pending before the Sessions Court.

2. Learned Senior Counsel for the petitioner submits that the petitioner is aggrieved by the order dated 15.03.2023 passed in the abovementioned complaint case, whereby the petitioner has been summoned for the offence punishable under Sections 469/471 IPC. She submits that the petitioner has assailed the summoning order before the Sessions Court vide CR. REV. 410/2023 and that the same is pending consideration. She submits that though notice was issued in the said revision petition, the proceedings were



not stayed.

She further submits that petitioner's challenge to the summoning order is premised on the ground that the trial court could not have taken cognizance of the complaint as the same was barred by limitation. In this regard, she states that while the respondent/complainant had acquired knowledge of the offence when he was served with the letter on 15.10.2009, the subject complaint came to be filed on 28.10.2017, on which cognizance was taken on 15.03.2023.

3. Learned counsel for the respondent, on the other hand, has opposed the prayer made in the petition.

4. It is pertinent to note that the present petition came up for hearing on 05.06.2023. On that day, while taking a prima facie view on the contentions raised by the petitioner, this Court directed that the operation of the order dated 15.03.2023 shall remain stayed. The said interim order has been continued from time to time and continues to subsist till date.

5. Considering that the revision petition is pending consideration and is now coming up for final hearing on 18.05.2024, the present petition is disposed of alongwith the pending application with a direction that the stay granted by this Court vide order dated 05.06.2023 is made absolute till the pendency of the revision petition.

6. Needless to state that nothing observed hereinabove shall amount to an expression on the merits of the case and shall not have a bearing on the trial as the observations are only for the purpose of the disposal of the present petition.

MANOJ KUMAR OHRI, J

MAY 17, 2024/na