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

+ **CRL.M.C. 5170/2024**

SONIA ARORA

.....Petitioner

Through: Mr.Devesh Pratap Singh, Mr.Akash
Bansal, Mr.Saurabh Srivastava and
Mr.Nitish Bharti, Advocates

versus

RAHUL KUMAR

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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12.07.2024

CRL.M.A. 19726/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 5170/2024, CRL.M.A. 19725/2024

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner with the following prayers:

“(i) Call for the record of Crl. Rev. No.97 of 2024, titled as "Sonia Arora Vs. State & Ors.", decided by the Court of Ms. Madhu Jain, Ld. Principal District & Sessions Judge, Saket Courts, New Delhi and CC No.17796 of 2018, titled as "Rahul Kumar Vs. Sonia Arora", decided by the Court of Ld. Metropolitan Magistrate-01 NI Act, South, Saket District Courts; New Delhi;

CRL.M.C. 5170/2024

Page 1 of 3



(ii) Set Aside the impugned order dated 29.02.2024 to the extent it denied stay of the proceedings before the Ld. Trial Court and Order 04.04.2024 vide which Crl. Revision Petition No.97 of 2024 was dismissed as infructuous passed by the Court of Ld. Principal District & Sessions Judge, South District, Saket Courts, New Delhi, in Crl. Rev. No.97 of 2024, titled as "Sonia Arora Vs. State & Ors.";

(iii) Allow the Criminal Revision Petition No.97 of 2024 titled as "Sonia Arora Vs. State & Ors." and consequently also set aside the Order of Conviction dated 02.03.2024 and Order on Sentence dated 04.03.2024 passed by the Ld. Metropolitan Magistrate, Saket Courts in CC No.17796 of 2018, titled as 'Rahul Kumar Vs. Sonia Arora.'"

2. Learned counsel for the petitioner submits that Crl. Rev. 97/2024 had been preferred by petitioner before Revisional Court challenging dismissal of application under Section 311 Cr.P.C. However, during pendency of the aforesaid revision petition, proceedings under Section 138 NI Act were disposed of and petitioner was convicted by learned MM. He points out that an appeal against the said conviction had already been preferred before learned ASJ in accordance with law and the same is pending consideration.

3. Keeping in view the peculiar facts and circumstances, since the matter is already sub-judice in an appeal preferred on behalf of petitioner, he cannot be permitted to simultaneously invoke jurisdiction of this Court under Section 482 Cr.PC. Petitioner shall be at liberty to show prejudice, if any caused to petitioner by dismissal of application under Section 311 Cr.P.C. in appeal pending before learned ASJ.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.



A copy of this order be forwarded to learned ASJ concerned for information and compliance.

ANOOP KUMAR MENDIRATTA, J

JULY 12, 2024/v