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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 15/2025, CM APPL.3065/2025 & CM**
APPL.3066/2025
SONU JAINAppellant
Through: Mr.Dushyant Sisodiya, Adv.
alongwith the appellant in person.

versus

SHASHANK JAIN & ANR.Respondents
Through:

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE SAURABH BANERJEE

% **ORDER**
17.01.2025

1. The present appeal under Section 380 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (hereinafter "the BNSS") (Section 341 of the Code of Criminal Procedure, 1973 (hereinafter "the CrPC")) seeks to assail order dated 12.09.2024 passed by the learned District Judge (Commercial Court-01) Karkardooma Courts, Delhi, in Misc. DJ No.76/2023. Vide the impugned order, the learned Trial Court has dismissed the application preferred by the plaintiff/ appellant under Section 340 of the CrPC (Section 379 of the BNSS) seeking initiation of enquiry and lodging of complaint against the respondent/ defendant for offences under Sections 191, 192 and 193 of the Indian Penal Code, 1860 (hereinafter "the IPC") (Section 227, 228, 229 and 236 of the Bharatiya Nyaya Sanhita (hereinafter "the BNS")).
2. After some arguments, learned counsel for the appellant submits that



since the appeal assailing the dismissal of the appellant's suit is still pending consideration before this Court by way of RFA (COMM) 225/2024, wherein the correctness of her claim is yet to be determined the appellant instead of pressing the present appeal will file a similar application under Section 379 BNSS in case, he succeeds in the said appeal. He, therefore, does not press the present appeal but seeks liberty to approach the Court at that stage.

3. The present appeal is, accordingly, dismissed as not pressed making it clear that in case, the appellant succeeds in his pending appeal being RFA(COMM) 225/2021, it will be open for the appellant to move an application under Section 379 BNS, which application, as and when moved, will be considered on its own merits.

REKHA PALLI, J

SAURABH BANERJEE, J

JANUARY 17, 2025

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