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

+ **CRL.REV.P.(MAT.) 173/2025**

RAVI SONI

.....Petitioner

Through: **Mr. Vaibhav Vats, Advocate**

versus

RISHU

.....Respondent

Through: **None**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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07.11.2025

1. Revision Petition under Section 438/442 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed to challenge the Order dated 17.01.2025 of learned Principal Judge, Family Court *vide* which his Application for restoration of his defence, has been dismissed.
2. Briefly state, a Petition under Section 125 Cr.P.C. was filed by the Respondent in May, 2023. The Petitioner had put an appearance through Counsel on 09.08.2023, and the matter was referred to the Counselor. No settlement was arrived at between the parties.
3. Thereafter, on 04.03.2024, an adjournment had been sought by the Legal Aid Counsel for filing the Written Statement and litigation expenses. Two adjournments were taken, but no Written Statement got filed. The defence of the Petitioner go struck off *vide* Order dated 09.05.2024. Thereafter again, the matter was adjournment on different dates.
4. The Legal Aid Counsel on behalf of the Petitioner placed on record



the Written Statement and also other ancillary pleadings, the copy of which was given to the Respondent. An Application has also been filed for waiver of litigation expenses, which is still pending.

5. The Application dated 17.01.2025 filed by the Petitioner for restoration of his defence was dismissed, being devoid of merits. Hence, the said Order has been challenged.

6. From the submissions made in the Application itself, it is evident that the Written Statement was not filed by the Petitioner and his defence got struck off on 09.05.2024. No Application has been filed for setting aside of the said Order or to get the Written Statement brought on record.

7. Thereafter again, an Application has been moved for restoring his defence. Learned Counsel is vehemently contending that he is entitled to restoration of defence, but has not been able to explain as to the document in which the defence disclosed when the Written Statement has not been taken on record, till date.

8. After some arguments, learned Counsel for the Petitioner seeks permission to withdraw the present Petition with liberty to challenge the Order dated 09.05.2024 *vide* the right to file Written Statement was closed and the defence of the Petitioner was struck off.

9. The Petition is accordingly permitted to the withdrawn with liberty as prayed for.

NEENA BANSAL KRISHNA, J

NOVEMBER 7, 2025

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