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

+ **W.P.(CRL) 2032/2023 & CRL.M.A. 18802/2023 (for stay)**

VIJAY POPLI

.....Petitioner

Through: Mr. Harpreet Singh, Mr. Gagan
Kumar Singhal, Advocates

versus

SIDHARTH PAREEK & ORS.

.....Respondents

Through: Respondent No. 1 in person
Mr. Sanjeev Bhandari, ASC for the
State

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.07.2025

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1. The present petition under Article 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973¹ seeks a writ of mandamus directing quashing/termination of the proceedings arising out of a complaint filed by Respondent No. 1 under Section 200 Cr.P.C. read with Sections 500/501/34 of the Indian Penal Code, 1860² bearing CT Case No. 612892/2016 titled as ***“Sidhartha Pareek v. The Editor Rashtriya Sahara & Ors.”*** The Petitioner is arrayed as an accused in the said complaint.

2. Without delving into the merits of the case, Mr. Harpreet Singh, counsel for the Petitioner, has submitted that the impugned complaint and

¹ “Cr.P.C.”

² “IPC”



the proceedings emanating therefrom are liable to be quashed on the ground of inordinate and deliberate delay in the prosecution of the complaint. Expounding on this argument, he submits that the impugned complaint was filed on 17th April, 2000, and the Court took cognizance on 23rd September, 2000 and summoned the accused persons, including the Petitioner. However, despite the lapse of approximately 25 years, the Complainant has not concluded his evidence, and the matter has remained pending at the stage of recording of his statement. He submits that, such a prolonged and unexplained delay, far from being a mere procedural lapse, has transformed the proceedings into a source of harassment and undue hardship for the Petitioner. In his view, this protracted pendency strikes at the core of speedy trial and renders the continued prosecution oppressive, especially considering the nature of the alleged offence. Emphasising on this aspect, he contends that the Courts have recognised inordinate delay in the prosecution of a complaint as an independent ground for quashing of proceedings, as it results in abuse of process of law and undermines public confidence in the justice system. In support of this submission, reliance has been placed on the judgments of the Supreme Court in *Vakil Prasad Singh vs. State of Bihar*³ and *Moti Lal Saraf vs. State of J&K*.⁴

3. Mr. Harpreet Singh further highlights that this Court, *vide* order dated 20th July, 2023, while issuing notice of the instant petition to Respondent No. 1, had acknowledged the inordinate delay in the trial and directed the Trial Court to conclude the matter within eight weeks. However, despite these explicit directions, the proceedings before the Trial Court have

³ (2009) 3 SCC 355.

⁴ (2006) 10 SCC 560.



remained in limbo. It is pointed out that since the passing of the said order, the matter has been listed before the Trial Court on approximately 36 occasions; yet the case is far from conclusion as it continues to languish at the stage of recording of the Complainant's evidence. It is further submitted that the Petitioner is suffering from serious liver-related medical ailments, and has a limited life expectancy. In these circumstances, the prolonged pendency has compounded his mental agony. Mr. Harpreet Singh urges that the Petitioner's legitimate expectation of a fair and expeditious trial has been frustrated, making it imperative for this Court to intervene and prevent further abuse of the judicial process.

4. On the other hand, the Complainant/Respondent No. 1, Mr. Sidharth Pareek, who appears in person, opposes the present petition. While candidly acknowledging that nearly 25 years have elapsed since the filing of the complaint, he asserts that the delay is not solely attributable to the Complainant. He submits that the protracted nature of the proceedings has been occasioned, in substantial measure, by the conduct of the accused, as well as by systemic factors and periods when the Trial Court was not functioning regularly. Mr. Pareek emphasizes that he has always demonstrated his readiness to proceed, and that any adjournments or procedural setbacks have not arisen from any dilatory tactics on his part. He further informs the Court that significant progress has recently been achieved in the trial: his own testimony has been recorded as CW-1, and the examination-in-chief of CW-2 and CW-3 has also been completed. The matter has now been adjourned for cross-examination of these witnesses at the instance of the accused persons. In light of these circumstances, he contends that the judgments relied upon by the Petitioner are



distinguishable, and have no application to the facts of the present case. Mr. Pareek asserts that the Trial Court is now making earnest efforts to expedite the proceedings, and any interference at this stage would not only be unwarranted, but also prejudicial to his right to seek redress through due process.

5. The Court has carefully considered the rival submissions advanced by both parties. At the very outset, it must be emphasised that this Court views with profound dismay and concern the manner in which the trial has unfolded. It is indeed a matter of serious introspection that a complaint instituted as far back as the year 2000 has remained inconclusively pending for over 25 years. Such an extraordinary and inexplicable delay, particularly in a criminal proceeding, strikes at the heart of fair trial and undermines public confidence in the justice delivery system. The sheer length of this pendency is not merely a procedural aberration, but a reflection of systemic inertia that warrants close scrutiny. While delay alone is not always sufficient to quash proceedings, a delay of this magnitude demands a careful examination of its underlying causes and its impact on the rights of the accused as well as the integrity of the judicial process.

6. Having expressed its concern regarding the protracted delay in the conclusion of the trial, the Court now proceeds to examine the underlying factors contributing to such delay. In this regard, the attention of the Court is invited to a tabulation in the petition, delineating the status of the proceedings on various dates before the Trial Court. A perusal of the said tabulation indicates that on several occasions, the proceedings were adjourned due to the absence or non-availability of the Complainant.

7. It is pertinent to note that the Complaint was instituted on 17th April,



2000, and summons were issued on 23rd September, 2000. The accused persons thereafter filed an application seeking recall of the summons, which came to be dismissed on 30th September, 2004. Subsequently, the accused persons filed other petitions assailing orders of the Trial Court, which were either dismissed on merits or dismissed as withdrawn. Eventually, the charge was framed by the Trial Court by order dated 31st May, 2008, which was also challenged by the Petitioner and another co-accused. The order was then set aside by this Court, pursuant to which the Trial Court was directed to frame a fresh notice in 2009. However, the proceedings thereafter suffered an inexplicable lapse, as the Complainant's statement, first recorded on 30th August, 2008, was not recorded until nearly nine years later, on 1st August, 2017.

8. Furthermore, it is pertinent to emphasise that at no point, was there any stay of the proceedings before the Trial Court. In these circumstances, there existed no legal impediment preventing the Trial Court from proceeding with the matter in a timely and efficient manner. Despite this, the record indicates that the Complainant failed to take any steps for the continuation of his examination between 2008 and 2017. The tabulation annexed with the petition reveals that, on several occasions during this period, the Complainant remained absent before the Trial Court, resulting in repeated adjournments and the consequent stalling of his examination. Although the tabulation may not provide an exhaustive account of every procedural development before the Trial Court, it nevertheless paints a troubling picture: that the Complainant did not exercise due diligence or make concerted efforts to ensure the recording of his testimony. Instead, on multiple dates, adjournments were sought at his instance, materially



contributing to the prolonged and avoidable delay in the proceedings.

9. Mr. Harpreet Singh has also placed on record a supplementary tabulation reflecting the status of proceedings from 26th July, 2023, to 2nd July, 2025, which indicates that the Complainant's examination concluded as late as 19th May, 2025. While Respondent No. 1 has sought to attribute the adjournments during this period primarily to the non-availability of the accused persons and other extraneous reasons, this Court finds such assertions to be wholly unsubstantiated, misconceived, and unsupported by the material on record. A cumulative assessment of the proceedings reveals that over a span of nearly 25 years, Respondent No. 1 has continued to prosecute the present complaint without bringing the trial to its logical culmination. Although it is not disputed that the accused persons also sought adjournments on certain occasions, this, by itself, cannot obscure the overarching fact that the principal and predominant cause of delay lies squarely at the door of the Complainant. In this backdrop, the Court is constrained to conclude that the inordinate delay is largely a direct consequence of the Complainant's persistent lack of diligence.

10. It is nonetheless imperative to observe that during the period between 2023 and 2025, Respondent No. 1 has demonstrated an inclination to pursue the complaint. The supplementary tabulation submitted by Mr. Harpreet Singh also reveals that, on several occasions, adjournments were sought at the behest of the accused persons themselves. Specifically, for the period spanning from 26th July, 2023, to 2nd July, 2025, save for two instances, the adjournments were not occasioned by the Complainant. Rather, the majority of these delays were attributable to the pendency of the matter before the Delhi High Court Mediation and Conciliation Centre, as well as requests



from the accused side. It thus becomes evident that the entire delay in the trial is a cumulative consequence of multiple factors, including adjournments sought by the accused persons and the diversion of the matter to mediation efforts.

11. Be that as it may, it is pertinent to note that, in recent months, substantial progress has been achieved: Respondent No. 1 has been fully examined and cross-examined, and two other complainant witnesses (CW-2 and CW-3) have completed their examination-in-chief and now await cross-examination by the accused.

12. In light of the aforesaid circumstances, while it is evident that a significant portion of the delay in the trial is attributable to the Complainant, this Court is not persuaded to hold that the entire responsibility for such delay rests solely upon him. A holistic assessment of the factual matrix reveals that delays were also occasioned by adjournments sought by the accused persons and the pendency of parallel mediation proceedings. Moreover, it is significant to note that the trial has since regained momentum: the Complainant (CW-1) has been examined and cross-examined, and the examination-in-chief of two additional complainant witnesses (CW-2 and CW-3) has been completed. In this backdrop, and bearing in mind the advanced stage of the proceedings, this Court is of the considered view that it would not be appropriate to quash the complaint at this juncture merely on the ground of protracted pendency. Instead, it must be directed that the trial is concluded in a time bound manner.

13. Accordingly, the present petition is disposed of with the following directions:

13.1. The trial in the impugned complaint must be positively concluded



within a period of four months from today;

13.2. The Trial Court is further directed to ensure that no unnecessary adjournments are granted on account of routine grounds, including personal inconvenience of counsel, unless it is absolutely unavoidable and supported by cogent reasons to be recorded in writing;

13.3. Nonetheless, any adjournment sought by the Complainant, or any adjournment occasioned by his conduct, shall entail a cost of ₹25,000/-, payable to the Delhi State Legal Services Authority;

13.4. Likewise, any delay or adjournment sought by any of the accused persons shall similarly attract a cost of ₹25,000/-;

13.5. The Trial Court shall not grant any concession or indulgence in respect of these costs under any circumstances;

13.6. On the next date before the Trial Court, *i.e.*, 23rd July, 2025, the Trial Court shall, in consultation with counsel for both sides, formulate a comprehensive schedule for recording the statements of all remaining witnesses and conclusion of trial. The counsels shall strictly abide by this schedule and shall not seek any modification or deferment thereof;

13.7. The Trial Court shall submit a compliance report to this Court through the Principal District & Sessions Judge after the expiry of the stipulated four-month period, confirming the status of the trial and specifying whether the timeline has been adhered to;

13.8. In the event of any unjustified non-compliance with this timeline by either party, it shall be open to the Trial Court to consider proceeding under Section 256 Cr.P.C. (in case of absence of the Complainant) or to take such steps as may be warranted in law against the defaulting party, including issuance of bailable or non-bailable warrants as deemed appropriate.



14. With the above directions, the present petition is disposed of along with pending application.

15. Copy of the order be communicated to the concerned Trial Court as well as the Principal District & Sessions Judge, for necessary information and compliance.

SANJEEV NARULA, J

JULY 3, 2025/ab