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

+ CRL.M.C. 6851/2025, CRL.M.As. 28812-28813/2025

SH SUNIL KUMAR

.....Petitioner

Through: Mr. Amit Tiwary, Mr. Siddharth Khatana, Mr. Soumava Karmaka, Mr. Arpan Narwal, Ms. Jyoti Bajaj, Advocates

versus

PROFESSOR KAPIL KUMAR

.....Respondent

Through: Mr. Varun Jain, Advocate
Respondent in person (through VC)

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

24.09.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (erstwhile Section 482 of the Code of Criminal Procedure, 1973²) is directed against order dated 02nd August, 2025 passed by Additional Sessions Judge, Patiala House Courts, New Delhi in Criminal Revision No. 410/2023 titled as *Sunil Kumar vs. Professor Kapil Kumar*. The impugned order, affirms order dated 15th March, 2023 in Complaint Case number no.15726/2017, summoning the Petitioner for the offences under Section 469/471 of the Indian Penal Code, 1860.³

2. It emerges that the parties are also arrayed against each other in another criminal complaint, wherein the Petitioner has alleged commission

¹ "BNSS"

² "Cr.P.C."



of an offence under Section 500 of IPC by the Respondent.

3. The genesis of both proceedings lies in a communication dated 8th June, 2009, purportedly bearing the name and signatures of the Respondent. The Petitioner perceived the said communication to be defamatory and lodged a complaint for defamation. The Respondent, on the other hand, consistently denied authorship of the said communication, asserting that it was a forged document which had been misused to prosecute him, thereby giving rise to Complaint Case No. 15726/2017 and the summoning order impugned herein.

4. At this stage, in view of the nature of the dispute, the Court explored the possibility of an amicable resolution. In view of the same, The Respondent, Professor Kapil Kumar, has joined the proceedings *via* video conferencing and expresses his willingness to bring an end to the disputes between the parties. Counsel for the Petitioner, Mr. Amit Tiwari, also indicates that his client is equally inclined to resolve the matter.

5. During the proceedings, Professor Kapil Kumar reiterates that he neither issued, signed, nor dispatched the communication dated 8th June 2009 to any authority and confirms that he has consistently maintained this position. He expresses regret if the Petitioner experienced any inconvenience or embarrassment due to the misuse of his name or the forged signature.

6. In response, Mr. Tiwari, counsel for the Petitioner, submits that, in view of the categorical clarification provided by Professor Kapil Kumar, the Petitioner also regrets that the matter escalated to criminal proceedings. On instructions, Mr. Tiwari states that the Petitioner is willing to withdraw his

³ “IPC”



complaint under Section 500 of IPC against the Respondent.

7. The Court is of the view that this represents an appropriate closure to the disputes. Both parties shall be bound by the statements of their respective counsel and shall file necessary applications before the concerned Courts for withdrawal of their respective complaints.

8. In light of the consensual position of the parties, there is no occasion for this Court to examine the merits of the impugned order. Since the foundational complaint itself is being withdrawn, the present petition stands rendered infructuous.

9. The parties shall place on record copies of the withdrawal orders within four weeks.

10. With these observations, the petition stands disposed of.

SANJEEV NARULA, J

SEPTEMBER 24, 2025/ab