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

+ **CRL.M.C. 8843/2025**

M/S SUN INFOPLANET PVT LTD

.....Petitioner

Through: Mr. V. Bhaskar, Adv. with Mr.
Ghanshyam Tiwari, AR of petitioner.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP with SI
Pradeep, PS Kalkaji.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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10.12.2025

CRL.M.A. 36895/2025 (exemption from filing certified copy)

Allowed, subject to all just exceptions.

This application stands disposed of.

CRL.M.C. 8843/2025

1. This is a petition under Section 482/528 BNSS for setting aside the impugned order dated 20.09.2025 passed by the Ld. Sessions Court in criminal revision no. 296/2025 titled as "M/s Sun Infoplanet Pvt. Ltd. Vs. State" thereby dismissing the revision petition filed by the petitioner against the order dated 06.02.2025 passed by the Ld. JMFC-06, South-East, Saket Courts in criminal case no. 3191/2024 whereby the file was consigned to record room with direction to the Investigating Officer to reopen the same as and when any clue is found.

2. The Ld. Counsel for the petitioner submits that petitioner M/s Sun



Infoplanet Pvt. Ltd. had lodged an FIR no. 0480/2019, under Sections 419/420 IPC at Police Station Kalkaji, against the accused persons for the offences of impersonation and cheating by them. After completion of the investigation Police filed a final report before the Ld. JMFC. Vide order dated 06.02.2025, the Ld. JMFC observed that petitioner is not interested in filing the protest petition and therefore, proceeded to accept the final report and directed the police to open the case as and when any clue is discovered.

3. The Ld. Counsel for the petitioner submits that the police did not conduct fair and proper investigation and rather submitted the untraced report. He stated that petitioner was not provided with the copy of the untraced report and therefore, could not file the protest petition and the Ld. Magistrate acted unfairly by depriving him the opportunity to file the protest petition against the untraced report.

4. The revision filed against the order dated 06.02.2025 came to be dismissed by order dated 20.09.2025 which is subject matter of challenge before this Court. It is submitted that observations of the Sessions Court in revision petition that the counsel of the revisionist had made inspection of the record on 04.07.2024 and therefore, the revisionist fails to convince the Court of the need for providing the certified copy of the untraced report to file the protest petition is erroneous. According to the Ld. Counsel the inspection was made only for 15 minutes and such 15 minutes were not sufficient to capture the entire record and file the protest petition. The Ld. Counsel, therefore, prays for grant of one opportunity to file the protest petition before the Trial Court.

5. The petition has been opposed by the Ld. APP appearing for the State submitting that petitioner did not make any request before the Trial Court



for providing the copy of the untraced report and the Trial Court waited for filing of the protest petition for as many as 4 days before eventually accepting the untraced report and therefore, there is no merit in the petition and the same is liable to be dismissed.

6. The Court takes note of the observations of learned Sessions Court in paras nos. 5, 6, 7 of the impugned orders, which are reproduced as under:

5. *As per TCR, the final report was filed by the police in the Court of Ld. Magistrate on 02.04.2024. Revisionist put in appearance before the Ld. Magistrate through its counsel on 24.05.2024. Thereafter, the matter was taken up by Ld. Magistrate on as many as 04 occasions awaiting the protest petition to be filed by the revisionist. In fact Ld. Magistrate also granted a 'last opportunity' to the revisionist to pursue the matter appropriately. But to no avail. As such, Ld. Magistrate observed at the time of passing the impugned order that revisionist was not interested in filing any protest petition and thereafter, he proceeded to 'accept' the said final report.*

6. *The above facts clearly demonstrate that revisionist was granted due opportunity to file the protest petition but he failed to avail the said opportunity. Although it has been argued on behalf of the revisionist that the counsel was unwell for some time due to which factor revisionist could not file the protest petition in time. However, the prescription slip pertaining to Ld. Counsel (placed before this Court) does not reflect any 'bed rest' for such a long period of time (beginning from 24.05.2024 to 06.02.2025). As such, this argument is insufficient to set aside the impugned order dated 06.02.2025.*

7. *That apart, it has been argued on behalf of the revisionist that certified copies of the file were not supplied to it since 04.07.2024 till the passing of impugned order (certified copies are stated to have not been supplied till date), which factor also prevented the revisionist from filing a protest petition. This Court has observed that the TCR was duly inspected by the Ld. Counsel for the revisionist on 04.07.2024*



(file inspection application available in the TCR reflects so). In such circumstances, revisionist fails to convince this Court as to the need for certified copies to file a protest petition, particularly when the TCR is not bulky. For the aforesaid reasons, this Court does not find it appropriate to condone the lax approach of the revisionist.

7. It is evident from the aforesaid that petitioner was granted sufficient opportunity to file the protest petition including the last opportunity but he did not avail the same. No reasonable explanation has been given for not making demand of the copy of the untraced report and for not filing the protest petition. Petitioner has failed to show any perversity or illegality in the impugned order. That being so, the Court finds no merit in the present petition.

8. The petition is therefore, dismissed.

RAVINDER DUDEJA, J

DECEMBER 10, 2025/lks/ma