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

+ CRL.M.C. 1128/2017

RAMAN KUMAR

.....Petitioner

Through: None
versus

M/S CATMOSS RETAILS PVT LTD & ORSRespondents

Through: Mr. Chandan Bhatia and Mr. Sachin
Kumar, Advocates for R2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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19.03.2025

1. None is present on behalf of the Petitioner.
2. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) has been filed on behalf of the Petitioner, Raman Kumar for initiating proceedings against the offenders, in accordance with law, based on a Complaint No. 448/14/13 and Order the summoning of the Respondents/Accused persons.
3. Pertinently, a Complaint bearing CC No. 18597/2013 under Section 142 read with Section 138 of the Negotiable Instruments Act, 1881 (*hereinafter referred to as 'N.I. Act'*) was filed on behalf of the Petitioner on which cognizance was taken by the learned Metropolitan Magistrate on 29.06.2013.
4. Thereafter, the matter was taken up on 17.10.2014 and in the light of the Judgment of the Apex Court in *Dashrath Roop Singh Rathor vs. State of Maharashtra and Anr.*, Criminal Appeal No. 2287/2009, the Complaint was directed to be returned to the Complainant after taking a certified copy of the Complaint and original documents on record and the file was consigned to the Record Room.
5. Thereafter, an Application was filed on behalf of the Complainant for modification of the Order dated 17.10.2014. However, the said Application was dismissed *vide* Order dated 12.08.2015 by observing that the Order of return of the Complaint dated 17.10.2014, had been made in compliance of the Judgment of the



Apex Court whereby it was directed that the Complaint shall be filed/re-filed in the Court of competent jurisdiction within 30 days. There is no reason why the Applicant has not taken the requisite steps. Therefore, the Application was dismissed *vide* Order dated 16.11.2015.

6. Thereafter, another Application got filed on behalf of the Complainant for the same relief but that also got dismissed on 08.04.2016.

7. Aggrieved by the said Orders, the present Petition has been filed seeking revival of his Complaint case.

8. As is evident from the record, the Order of return of Complaint had been made pursuant to the directions of the Apex Court. The appropriate remedy to the Complainant, was to take the original Complaint from the Court and present it before the Court of competent jurisdiction. Instead of doing so, the Petitioner has been moving Applications one after the other, which had not resulted in any success. The present Petition is also seeking the same relief.

9. None is present on behalf of the Petitioner. The Petition is dismissed in default and for non-prosecution.

NEENA BANSAL KRISHNA, J

MARCH 19, 2025/RS