



\$~36 & 37 (common)

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

+ CRL.REV.P. 14/2021, CRL.M.A. 622/2021

VIDUR BHARADWAJ

..... Petitioner

Through : Mr.Arshdeep Singh and Mr.Shreedhar
Kale, Advocates.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through : Mr.Amit Ahlawat, APP for State.
Mr.P.N.Dhar, Mr.Kunal Prakash,
Advocates for R2.

+ CRL.REV.P. 15/2021, CRL.M.A. 650/2021

NIRMAL SINGH

..... Petitioner

Through : Mr. Siddharth Aggarwal, Mr. Arush
Khanna, Ms. Sowjhanya and Ms.
Shreya Singh, Advocates.

versus

STATE THROUGH EOW AND ORS

..... Respondents

Through : Mr.Amit Ahlawat, APP for the State
with SI Pawan Kr, EOW
Mr.P.N.Dhar, Mr.Kunal Prakash,
Advocates for R2.
Adv Tarun Goomber along with
Mr.Gaurav Goswami and Mr.S S
Ahluwalia for R-3-5
Shivam Malhotra for respondent
Surpreet Singh Suri

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **25.01.2021**

1. The hearing has been conducted through Video Conferencing.
2. Since identical issues are involved, both petitions taken up together.
3. The petition/s are filed against the impugned order dated 24.12.2020 passed in Crl. Revision No.479/2019 by the learned Additional Session's Judge – 03, Central District, Tis Hazari Courts, Delhi whereby the order dated 06.05.2019 of learned Magistrate – 06, Central District, Delhi



dismissing the application under Section 156 (3) Cr P C as also petition under Section 200 Cr P C filed by respondent No.2 was set aside.

4. Admittedly, the FIR has been registered against the petitioners at EOW and complaint of respondent No.2 has also been clubbed with the said FIR and the complainant has been asked to join the proceedings, but instead the complaint under Section 200 Cr P C and application under Section 156(3) Cr P C was moved, which was dismissed.

5. The crux of the order of the learned Magistrate is the disputes between the parties are in civil in nature and as such the criminal Court has no jurisdiction and hence the complaint and application was dismissed.

6. The complainant/ respondent No.2 filed the aforesaid Criminal Revision Petition, which was allowed per judgment dated 24.12.2020 by the learned Session's Court, primarily, on the basis of Criminal Reference No.1/2014 in *State vs. Khimji Bhai Jadeja* decided on 08.07.2019.

7. Mr.Siddharth Aggarwal, learned counsel for the petitioner referred to the order dated 25.11.2019 passed by the Supreme Court in Special Leave to Appeal (Crl) No.9198/2019 whereby the order passed in Criminal Reference No.1/2014 has been stayed.

8. Issue notice. Learned counsel for respondents accepts notice and seeks to file response. As sought, response be filed before next date of hearing with an advance copy thereof to the learned counsel for petitioner through email.

9. Learned APP submits initially the compliant was made to the SHO, Civil Lines by respondent No.2, hence notice be also issued to the SHO Civil Lines so that the status report can also be filed qua the complaint of respondent No.2. Notice be also issued to SHO PS Civil Lines and report be filed before next date of hearing.



10. List on 17.02.2021 and in the meanwhile, the proceedings before the learned Magistrate shall remain stayed.

YOGESH KHANNA, J.

JANUARY 25, 2021

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