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

+ CRL.M.C. 4228/2024 and CRL.M.A. 16030/2024

NITIN GUPTA

.....Petitioner

Through: Mr. Nikhil Goel, Sr. Adv. With
Mr. Sahil Raveen and Ms. Siddhi
Gupta, Advocates

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Hitesh Vali, APP for State with
Ms. Snigdha Sood, Advocate
with ASI Om Prakash PS Sarai
Rohilla
Mr. Piyush Pahuja & Mr. Upender
Kumar, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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03.09.2024

1. The facts of this matter have been recorded by this Court on 22nd May 2024. Pursuant to notice, counsel for respondent no.2 has appeared and states that cross FIR was lodged against the respondents by Mr. Rakesh Kumar who is accused in FIR No. 928/2023.

2. As per cross FIR No. 892/2023, Rakesh Kumar states that on a dispute of having made a speed breaker on common access road in Bhaskar Bhawan, at instructions of his employer Mr. Nitin Gupta (petitioner herein), in order to ensure safety of children passing by, respondent -complainant along with her helper Daulat came and started breaking the said speed breaker. Rakesh Kumar called Mr. Nitin Gupta to report the same on which Mr. Nitin Gupta asked him to tell the complainant the reason as to why the speed breaker was being made.

3. In response, the complainant is alleged to have abused casteist slurs



and therefore the FIR No. 892/2023 was registered under the provisions of SC/ST Act, which has now resulted in charge-sheet against her.

4. Senior Counsel for petitioner contends that this in fact buttresses the assertion of petitioner that he was neither present at the spot and at best, had been connected telephonically by his employee who was trying to ensure that speed breaker should not be broken.

5. On this basis as well as submissions made on the previous date on 22nd May 2024 (as noted in the order of that date), this Court is of the opinion that the proceedings *qua* petitioner Mr. Nitin Gupta, be stayed till the next date of hearing, considering that the issue is primarily between Rakesh Kumar and the complainant.

6. It is an admitted position that both petitioner and complainant are related to each other, as also noted in the previous order.

7. Counsels for parties state that they are amenable to resolve the dispute through mediation.

8. Accordingly the parties, duly assisted by their respective counsels shall appear before the Delhi High Court Mediation & Conciliation Centre on 5th September 2024 at 4:00 pm.

9. Copy of order be sent to the Organizing Secretary, Delhi High Court Mediation & Conciliation Centre for information and compliance.

10. Re-list before this Court on 17th December 2024.

11. Registry shall supply copy of petition to counsel for respondent, on his request.

12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

SEPTEMBER 3, 2024/sm