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

+ W.P. (CRL.) 1154/2010 & CRL. M.A. 4430/2012

VAGISHA SUNEJA & ANR.

..... Petitioners

Through: None.

versus

STATE & ANR.

..... Respondents

Through: Mr. Naresh Kumar Chahar, APP for
State along with SI Ankush, PS:
Alipur.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

25.10.2025

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1. The matter was adjourned *sine die vide* order dated 02.12.2014. The following order was passed on the said date.

“4. In support of her contention, learned counsel for the Petitioners has drawn attention of this Court to paragraphs 3, 4 and 9 of the written statement filed in Arbitration matter and submitted that the factum of receipt has been admitted by the Respondents. She further submitted that after hearing learned counsel for the jparties, this Court vide its order dated 23.08.2012 had passed the order staying the investigation by the Police in the above-noted FIR.

5. On behalf of the Respondents, prayer for stay of investigation or making the interim order dated 23.08.2012 as absolute has been strongly opposed on the ground that the FIR in the instant case has been registered on the direction of this Court and there cannot be any stay of investigation especially when existence of arbitration clause has been denied. The contention of counsel for the Respondents in this regard does not appear to be fully correct for the reason that vide order dated 12.07.2010, counsel for the Respondents sought time from the Respondents whether or not they are ready to register the case in the complaint and if so, what action they propose to take.

6. While relying upon the decision of Kamala Devi Agarwal vs. State of



West Bengal and others (2002) 1 Supreme Court Cases 555, learned counsel for the Respondents submitted that civil and criminal proceedings both can continue together and criminal proceedings should not be quashed merely because of pendency of civil proceedings between the same parties.

7. After considering the rival contentions of the parties, I am of the view that at this stage, placing reliance on the decision of Kamala Devi (supra) is of no help to the Respondents. It may be noted here that the Petitioners are not making prayer for quashing of the FIR, but limiting their prayer only to the extent that pending arbitration proceedings, investigation in the said FIR may be stayed. This is not a prayer made for the first time by the Petitioners or something coming up as a surprise to the Respondents..”

2. Since the matter had been adjourned *sine die*, and the writ petition was to be revived as and when the award in the arbitration matter is passed by the learned Arbitrator, the case cannot proceed.
3. In these circumstances, since this Court is not in receipt of any order from the learned Arbitrator, it will be appropriate to issue Court notice to the petitioners. Accordingly, issue Court notice without Process Fee to the petitioners as well as to their learned counsel, for seeking information as to whether they wish to revive the present writ petition or not.
4. IO will also ensure the service of the petitioners before the next date of hearing.
5. List on 01.11.2025.
6. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 25, 2025/ A/VC