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

% *Date of Decision: 13.10.2026*

\# **CNR No. DLHC010495142026**

\+ **CRL.M.C. 7734/2026, CRL.M.A. 32241/2026, 32242/2026, 32243/2026 & 32240/2026**

SUMEET SALUJA .....Petitioner

Through: Mr. Anoop Prakash Awasthi, Advocate.

versus

DIAT AGRO HOLDING PVT LTD .....Respondent

Through: Mr. Naman Agarwal and Mr. Yash Sharma, Advocates.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. For convenience the prayer clause of this petition is extracted below:

> *"a. Quash and set aside the judgment dated 31.07.2026 passed by the Ld. Additional Sessions Judge-02, Tis Hazari Courts, Delhi in Criminal Revision No. 401/2026, titled Sumeet Saluja v. Diat Agro Holding Pvt. Ltd., whereby the Petitioner's Revision*

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Petition under Section 438 of the BNSS, 2023 (Section 397 Cr.P.C.) was dismissed;
b. Quash and set aside the order dated 08.04.2026 passed by the Ld. JMFC (NI Act)-09, Central District, Tis Hazari Courts, Delhi in Complaint Case No. 2352/2021, whereby the Petitioner's application seeking dismissal/quashing of the complaint proceedings against him was dismissed; and
c. Consequently, quash the summoning order and entire proceedings arising out of Complaint Case No. 2352/2021, titled M/s Diat Agro Holdings Pvt. Ltd. v. Whitefields Overseas Ltd. & Ors. (also reflected as Badri Prasad Sultania v. Sumeet Saluja), pending before the Ld. JMFC (NI Act)-09, Central District, Tis Hazari Courts, Delhi,
d. Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the interests of justice."

2. Before proceeding further, it would be apposite to note that earlier also the petitioner filed similar petition, registered as CRL.M.C.5572/2022 seeking same relief as sought in the present petition. The said petition CRL.M.C.5572/2022 was dismissed by a coordinate bench of this court by way of detailed judgment dated 10.11.2022. Thereafter, again the present petition has been filed, seeking same relief.

3. On being called upon to address as to how the present petition seeking same relief that was declined earlier can be entertained, learned counsel for petitioner refers to just one sentence of the judgment dated 10.11.2022 of the earlier petition, which sentence was: "*The court should be slow to grant relief at a pre-trial stage, before parties have had an opportunity to adduce evidence*". Referring to the said sentence, it is contended by learned counsel for petitioner that since now trial has commenced and one witness of the complainant has been partly examined, the present petition for same relief is

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maintainable. I find the submission in this regard totally absurd. For, that would mean that after every part-examination of a witness, the accused can come to this court for quashing the summoning order and the complaint.

4. There is another aspect as regards maintainability of this petition. The provision under Section 438(3) BNSS explicitly prohibits filing of the second revision petition and it is trite that what is explicitly prohibited cannot be allowed backdoor entry by invoking inherent powers, unless the petitioner is able to establish a case of gross injustice. In the present case, that bar on maintainability also affects this petition. For, the petitioner assails the order passed by the Court of Sessions, exercising revisional jurisdiction and upholding the dismissal of application of petitioner to dismiss the complaint. The magisterial court had dismissed the application of petitioner to dismiss the complaint, because summoning order had already been upheld by this court.

5. As regards the said bar on maintainability, learned counsel for petitioner refers to a judgment of the supreme Court in the case of ***Krishnan & Anr. vs Krishnaveni & Anr.***, (1997) 1 SCR 511. The said judgment, rather reiterates the above mentioned legal position and is contrary to the stand taken by learned counsel.

6. In the cases titled: ***Exclusive Capital Limited vs State Govt of NCT Delhi & Ors,*** 2026:DHC:6742 and ***Anil Ahluwalia vs State NCT of Delhi,***

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2026:DHC:8191, I had an occasion to examine in detail the legal position regarding the above mentioned issue, including the judgment of the Supreme Court ***Krishnan*** (supra). In the case of ***Anil Ahluwalia*** (supra), while dealing with the judgment in the case of ***Krishnan*** (supra) it was held thus:

> *"10.2 In the case of **Krishnan** (supra) relied upon by learned counsel for petitioner himself, the Supreme Court examined the scope of both provisions, namely Sections 397(3) and 482 CrPC and held that the object of Section 397(3) is to put a bar on simultaneous revisional applications to the High Court and the Court of Sessions, so as to prevent unnecessary delay and multiplicity of proceedings. The Supreme Court held that the inherent powers of the High Court are very wide, however, the High Court must exercise such powers sparingly and cautiously where the Sessions Judge has already exercised revisional powers; and that when the High Court notices that there has been gross failure of justice or misuse of judicial mechanism or procedure, sentence or order is not correct, it is but the salutary duty of the High Court to prevent the abuse of process or miscarriage of justice or to correct irregularities/ incorrectness committed by the inferior criminal court in its juridical process or illegality of sentence or order. The Supreme Court specifically held thus:*
>
> > *"10. Ordinarily, when revision has been barred by Section 397(3) of the Code, a person — accused/complainant — cannot be allowed to take recourse to the revision to the High Court under Section 397(1) or under inherent powers of the High Court under Section 482 of the Code since it may amount to circumvention of the provisions of Section 397(3) or Section 397(2) of the Code. It is seen that the High Court has suo motu power under Section 401 and continuous supervisory jurisdiction under Section 483 of the Code. So, **when the High Court on examination of the record finds that there is grave miscarriage of justice or abuse of the process of the courts or the required statutory procedure has not been complied with or there is failure of justice or order passed or sentence imposed by the Magistrate requires***

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> ***correction, it is but the duty of the High Court to have it corrected at the inception lest grave miscarriage of justice would ensue. It is, therefore, to meet the ends of justice or to prevent abuse of the process that the High Court is preserved with inherent power and would be justified, under such circumstances, to exercise the inherent power and in an appropriate case even revisional power under Section 397(1) read with Section 401 of the Code. As stated earlier, it may be exercised sparingly so as to avoid needless multiplicity of procedure, unnecessary delay in trial and protraction of proceedings. The object of criminal trial is to render public justice, to punish the criminal and to see that the trial is concluded expeditiously before the memory of the witness fades out. The recent trend is to delay the trial and threaten the witness or to win over the witness by promise or inducement. These malpractices need to be curbed and public justice can be ensured only when trial is conducted expeditiously."***
>
> *(emphasis supplied)"*

7. In the present case, nothing has been addressed to show it to be a case of gross injustice or rarest of rare case in which this court can justifiably invoke inherent powers, which powers have to be exercised sparingly. There is neither occasion nor any legal validity for this court to overturn the view taken by a coordinate bench of this court in the earlier petition CRL.M.C.5572/2022 of the present petitioner.

8. The present petition is not just not maintainable, but appears to have been filed with some oblique and mischievous purpose. It is not like just any other case devoid of merits and unnecessary drain on overflowing dockets of this court. It is also a case where the petitioner is apparently trying to play mischief with the judicial proceedings by challenging the orders, which were

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passed by the magisterial court and the revisional court on the basis of the earlier decision of this court in the same case.

9. Therefore, the petition is dismissed with exemplary cost of Rs. 50,000/- to be deposited online by petitioner with *www.bharatkeveer.gov.in* within one week. The accompanying applications also stand dismissed.

10. Copy of this order be sent to the learned trial court.

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(JUDGE)

OCTOBER 13, 2026/*ry*

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