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

%   *Date of Decision: 06.01.2026*

+   **CRL.M.C. 44/2026 & CRL.M.A. 126/2026**

RENUKA JAIN   .....Petitioner

                    Through: Mr. Shiv Chopra, DHCLSC with Ms.
                                  Surbhi Arora, Advocate

                    versus

STATE (NCT OF DELHI) & ORS.   .....Respondents

                    Through: Mr. Ajay Vikram Singh, APP for
                                  State with SI Yashpal Singh, PS Farsh
                                  Bazar

        CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T   (ORAL)

1.   The petitioner, being complainant *de facto*, has brought this petition seeking directions to the learned trial court to expeditiously dispose of the trial arising out of FIR No. 211/2017 of PS Farsh Bazar for offence under Section 420 IPC.

2.   Learned APP appearing on advance intimation submits that the petition is not even maintainable as the petitioner has no *locus standi*.

3.   As regards *locus standi*, the only argument advanced by learned

counsel for petitioner is that petitioner is a victim and also the complainant *de facto* of the offence, so she has a right to file such petition. Learned counsel for petitioner also refers to order dated 07.02.2023 of a coordinate bench of this Court passed in W.P. (Crl.) 2090/2018 to show that on similar petition of the present petitioner, the learned Single Judge directed the trial court to conclude the trial within two years after framing of charges.

4.   I find substance in the submission of the learned prosecutor that the subject case being a State case, role of the complainant *de facto* is limited to being a witness and therefore, it is only the State or the accused who can bring such petition. In this regard, it would be apposite to also note that the complainant *de facto* can sustain action independent of prosecution side only in certain situations explicitly laid down in law. The present petition does not fall under that category.

5.   So far as the reliance on order passed by the coordinate bench, firstly, the said order was passed in a writ petition, which is not the present case. Secondly, the learned Single Judge had no occasion to examine the *locus standi* of the petitioner and it was practically a single sentence direction to the trial court to conclude the trial within two years after framing of charges. Admittedly, till date charges are yet to be framed and the record does not reflect any delay on the part of the trial court.

6.   The petition is completely frivolous and drain on already overflowing dockets of the Court, so dismissed with cost of Rs.10,000/- to be paid online with *www.bharatkeveer.gov.in* by petitioner within one week.

Accompanying application also stands disposed of.

7.   Further, it appears that the counsel to file this petition has been provided to the petitioner by DHCLSC without examining the strength of the case. Copy of this order be sent to the Secretary, DHCLSC to make sure that in future, while providing legal aid, sustainability of the legal proceedings sought to be initiated through free legal aid must be tested so that public money is not wasted.

GIRISH KATHPALIA

GIRISH KATHPALIA
(JUDGE)

JANUARY 6, 2026/*as*