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

Judgment delivered on: 21st December, 2015

+ **CRL.M.C. No.5199/2015**

SMT. RENU SHARMA Petitioner
Represented by: Mr. Manoj Goel and Mr. Devendra
Kumar, Advocates with Petitioner
in person.

Versus

GOVT. OF NCT DELHI AND ANR. Respondents
Represented by: Ms. Meenakshi Chauhan,
Additional Public Prosecutor for
the State with Inspector Pankaj
Arora and SI Prabhanshu, P.S.
Crime Branch, Darya Ganj.
Respondent No.2 in person.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.A. No.18731/2015 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

Crl. M.A. No.18732/2015 (for delay in re-filing)

In view of the averments made in the application, the delay of
twelve days in re-filing the instant petition is condoned.

Accordingly, the application is allowed.

CRL.M.C. No.5199/2015

1. Vide the present petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks quashing of impugned order dated 16.08.2014 passed by the learned Chief Metropolitan Magistrate Rohini Courts, New Delhi, in FIR No.198/2013 registered at Police Station Crime Branch, Darya Ganj, Delhi, for the offences punishable under Sections 406/409/120-B IPC.
2. Vide the aforesaid order, the learned Magistrate issued NBWs against the petitioner on the application moved by the Investigating Officer of the case.
3. Learned counsel appearing on behalf of the petitioner submits that earlier the petitioner was investigated/interrogated by Mumbai, Hyderabad and Raipur police, however, Delhi Police never sought her presence for the investigation. In the month of October, 2013, the petitioner shifted from Mumbai to Ghaziabad and since then she is staying there. Thereafter, on 03.03.2014 her husband died, however, till date she never received any notice issued by the Delhi Police for joining investigation.
4. Learned counsel further submits that the petitioner also joined the investigation before the various Agencies mentioned above. Therefore, the petitioner never tired to run away from investigation in the case in question.
5. Learned Additional Public Prosecutor appearing on behalf of the state submits that there are serious allegations against the petitioner

alongwith her husband. Her husband never joined the investigation and absconded and thereafter died on 03.03.2014. The Investigating Agency tried its level best to serve notice for joining investigation to the petitioner, however, she failed to join the same. Therefore, having no option, NBWs were got issued against the petitioner on 16.08.2014 and thereafter on 10.02.2015, despite that Investigating Agency could not locate the petitioner.

6. The learned Additional Public Prosecutor appearing on behalf of the State submits that the petitioner is required for investigation in the present case.

7. Keeping in view the facts of the present case as recorded above, I hereby quash the NBWs issued against the petitioner vide orders dated 16.08.2014 and thereafter on 10.02.2015, subject to her joining the investigation on 28.12.2015 at 11.00 AM and thereafter as and when required by the Investigating Officer. The petitioner shall furnish her latest address to the concerned Investigating Officer and shall not leave the country without permission of the Court.

8. I hereby make it clear that if the Investigating Authority feels that custodial interrogation of the petitioner is required for investigation purposes, it can apply for the same after giving seven days notice to the petitioner.

9. In view of the above, the present petition is disposed of.

10. A copy of this order be given *dasti* to the learned counsel for the parties.

Crl.M.A. No. 18730/2015 (for stay)

With the disposal of the petition itself, the petition has become *infructuous*. The same is dismissed accordingly.

**SURESH KAIT
(JUDGE)**

DECEMBER 21, 2015

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