

\$~37

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

+ CRL.M.C. 373/2016

RAJNISH SONI

..... Petitioner

Represented by: Mr. Yash Anand, Mr. Yash
Singhal, Mr. David A. And Mr. Gaurav Chandel,
Advts.

Versus

STATE NCT OF DELHI

..... Respondent

Represented by: Mr. Panna Lal Sharma, APP for
State.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

%

29.01.2016

Crl. M.A. Nos. 1596/2016 and 1597/2016 (for exemptions)

Exemptions allowed, subject to all just exceptions.

Accordingly, the applications are allowed.

+ **CRL.M.C. 373/2016**

1. Vide the present petition, petitioner seeks directions thereby quashing of order dated 16.12.2015 passed in Crl. Rev. No. 66/2015 and order dated 08.10.2015 passed in Crl. Complaint Nos. 671/2011 and 672/2011 passed by Id. Metropolitan Magistrate.

2. On perusal of order dated 31.07.2015 it is revealed that Proxy Counsel appearing on behalf of the complainant stated before the Trial Court that the complainant has settled the matter with accused no.1 and accused no.2 (Petitioner herein) and the accused were to make the payment

of the instalments amount on the said date. However, they did not appear. Accordingly, ld. Trial Court directed to issue bailable warrants against the petitioner and co-accused.

3. Since, the bailable warrants could not be executed, vide order dated 14.08.2015, a fresh bailable warrants were directed to be issued. However, the petitioner and the co-accused appeared before the Court at about 11.20 am on the said date. Accordingly, their bailable warrants were cancelled and the matter was fixed for 01.09.2015.

4. On 01.09.2015, ld. Counsel appeared on behalf of the complainant submitted before the trial court that the accused persons have not complied with the order dated 29.01.2015. Accordingly, they were directed to appear before the court. However, the petitioner failed to appear and sought adjournment on one pretext or other. Therefore, vide order dated 08.10.2015, ld. Trial Court directed to issue process under Section 82 Cr.P.C. against the petitioner. Being aggrieved, the petitioner challenged the same in Revision Petition no. 66/2015. Same was also dismissed.

5. Ld. Counsel appearing on behalf of the petitioner submits that next date of hearing fixed before the Trial Court is 19.02.2016 and the petitioner is ready to join the trial.

6. It is not in dispute that the petitioner has settled the matter with the complainant, however, has not executed the same. Moreover, he stopped appearing before the trial court.

7. Since, the counsel for the petitioner submits that petitioner shall

remain present in the Court on the next date of hearing as noted above, I hereby quashed the order dated 08.10.2015 whereby process under Section 82 Cr.P.C. was issued subject to cost of Rs.25,000/- to be paid in favour of Delhi Police Martyrs Fund within two weeks from today. Proof of the same shall be placed before the Trial Court.

8. Accordingly, the petition is allowed.

SURESH KAIT, J

JANUARY 29, 2016

jg