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

+ CRL.M.C. 359/2016 & Crl.M.A. No.1530/2016

GHAZALA YASMEEN

..... Petitioner

Through

Mr.Munawwar Naseem, Adv. with
Mr.Akshit Gadhok, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ANR Respondents

Through

Mr.K.K. Ghai, APP for the State.
ASI Parmjit Singh, PS Tilak Nagar.
Mr.Amarjit Sahni, Adv. with
Ms.Shabana Ahmed, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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26.05.2016

The present petition has been filed under Section 482 of the Code of Criminal Procedure for quashing of the summoning order dated 29th October, 2015 issued by the learned Metropolitan Magistrate, Tis Hazari Court, whereby the Court observed that the accused Naved Ahmad Khan was chargesheeted and was put in column no.11 whereas other accused namely Gajala Yasmin (the present petitioner), Nazia Sajeed, Ahamd Athar Saeed & Mohd. Tariq

Ahmad Khan had not been chargesheeted and were put in column no.12. The Court, by the same order, also took cognizance of the offence under Sections 498A/406/34 IPC and issued summons against the accused persons.

I have heard learned counsel for the parties and gone through the available records. I am of the considered opinion that summoning qua the present petitioner is without any reason whatsoever.

In the facts and circumstances of the case, undisputedly, as per the settled law in ***Radesh Singh & Ors. v. State & Anr.*** passed by this Court on 21st February, 2011 in CrI.M.C. No.1711/2010 as well as in ***Atma Ram Singhal v. State 2007 (5) AD (Delhi) 717; Neelam Suri v. State 2008 (1) JCC 593 & Harbhajan Singh v. State 2003 (3) JCC 1612***, the summoning order is required to be passed after due application of mind.

In the present case, on the basis of material available on record particularly when the petitioner was already put in column no.12 in the chargesheet, the order dated 29th October, 2015 passed by learned Metropolitan Magistrate summoning the petitioner, is hereby set aside.

It is made clear that the order passed by this Court shall not come in the way of trial Court to pass fresh speaking order, if so required.

P.S.TEJI, J

MAY 26, 2016/aa