

\$~27

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

+ CRL.M.C. No. 1061/2014

BABITA CHINDALIYA Petitioner
Through Mr.Narender Mann, Adv. with
Mr.Amish Dabas, Adv.

versus

STATE Respondent
Through Mr.Amit Chadha, APP for the State
with SI B.L. Meena, PS Hazrat
Nizamuddin.
Mr.Manav Gupta, Adv. for
complainant.

CORAM:
HON'BLE MR. JUSTICE P.S.TEJI

ORDER
% **09.02.2016**

The present petition has been moved under Section 482 read with Section 483 of Code of Criminal Procedure, against the order dated 7th September, 2013 passed by the learned Metropolitan Magistrate-II (South-East), Saket, whereby attachment of the premises/house of the petitioner, was directed. The case of the petitioner is that an FIR was registered against the husband of the applicant under Sections 406/408/420/471/120-B/34 of the Indian Penal Code on 6th July, 2013 with the allegation that he being

employee of the complainant, opened a forged account and the money received by way of cheque from other persons in the name of the complainant, was deposited in the same and, thereafter, transferred to his own account.

During the pendency of the proceedings, the investigating officer of the case on 7th September, 2013, moved an application for attachment of the properties of the present petitioner as well as the husband of the petitioner.

The present petition was filed and came up for hearing on 3rd March, 2014 and since then, the proceedings are pending before this Court.

I have heard learned counsel for the parties. During the course of argument, the counsel for the respondent has submitted that apart from the present petition, he has filed a civil suit in which his property has been attached by the High Court vide order dated 7th February, 2014. The attachment in the present case does not affect the right of the complainant presently. Consequently, learned counsel for the petitioner has submitted that the order of the learned Metropolitan Magistrate does not survive.

Keeping in view the stand taken by the learned counsel, this Court is of the considered opinion that attachment made by the Court of learned Metropolitan Magistrate is, hereby, released and the matter is left to the discretion of this Court to pass an order on the same.

With this observation, the present petition is disposed of.

P.S.TEJI, J

FEBRUARY 09, 2016

aa