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

+ **CRL.M.C. 1332/2014 & CrI.M.As. 4529-4530/2014**

A N KAUL

..... Petitioner

Represented by: **Mr. Pardeep Dhingra, Adv.**

versus

STATE & ANR

..... Respondent

Represented by: **Ms. Rajni Gupta, APP with SI
Kishor Prasad PS Greater
Kailash.
Mr. Samrat Nigam, Mr.
Sandeep Mittal, Advs. for R-2.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

01.12.2016

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The petitioner who was arrayed as an accused in case FIR No.71/11 under Sections 323/341 IPC registered at PS Greater Kailash, Part-I was kept in column No.2 in the charge-sheet filed. Vide the impugned order dated 7th September, 2011 petitioner was summoned as an accused without the learned Metropolitan Magistrate even noting how it disagreed with the opinion of the investigating agency. Indubitably, at this stage the Trial Court is required to look into the prima facie material only, however in a case where the learned Metropolitan Masigrate disagrees with the opinion of the investigating agency and issues summons to the accused kept in ***CRL.M.C. 1332/2014***

page 1 of 2

column No.2 (now column No.12) of the charge-sheet, some prima facie reasons are required to be noted.

Learned counsel for the petitioner submits that vide order dated 16th September, 2015 passed by the learned Single Judge of this Court in CS(OS) No. 1508/2011 noted that the counsel for the defendants therein stated that they would have no objection if the complaint filed by the defendant No.1 would be quashed. He would be at liberty to agitate the same before the learned Trial Court or any other proceedings if so desires.

Faced with this situation learned counsel for the respondent No.2/ complainant also submits that the impugned order dated 7th September, 2016 is bereft of any reasoning. Consequently, the same is set aside qua petitioner A.N. Kaul.

The Trial Court would be at liberty to pass a fresh reasoned order if it so thinks fit in case any prima facie case is made out against the petitioner.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

DECEMBER 01, 2016
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