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

+ W.P.(CRL) 588/2010

MON MOHAN KOHLI

..... Petitioner

Represented by: Mr.Harsh Jaidka, Advocate

versus

STATE NCT OF DELHI & ANR.

..... Respondents

Represented by: Mr.Rajesh Mahajan,
Addl.Standing Counsel for the
State
Ms.Nandita Rao, Advocate for
the complainant.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER
31.05.2016

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1. A matrimonial dispute between the petitioner and his wife Natasha appears to have taken an ugly turns within the precincts of the matrimonial home. The wife alleges assault not only to her but even the minor son. As per the wife the husband broke open the door of the bedroom to assault her.
2. 15-A, Amrita Shergill Marg, New Delhi, is the property owned by a company, possessory right ensued in a part of the property to the husband and the wife through the company, with reference to joint holding of the two.
3. The wife is desirous of a settlement. The petitioner, due to old age, appears to be not in the control of his mental faculties. Instructions to learned counsel on behalf of the petitioner are through the sisters of the petitioner.

4. Instant petition arises due to cognizance taken by a learned Metropolitan Magistrate of a complaint lodged by the wife. Summoning order has been challenged. The same is obviously preceded by recording the testimony of the wife. Before visiting this Court the petitioner resorted to the remedy of a revision before the learned Addl.District Judge. The said remedy has failed.

5. Learned counsel for the wife questions right of learned counsel for the petitioner to continue with the instant proceedings on obtaining instructions from the sisters of the petitioner. Learned counsel has produced documents showing that the husband was examined by a Medical Board on November 21, 2015 and opinion given was that the neuro psychological examination evinces severe intellectual retardation.

6. Learned counsel for the complainant states that if the petitioner withdraws the instant writ petition she would advice her client to withdraw the complaint for the reason the petitioner is so severely intellectually retarded that he would not be in a position to defend himself and it would be useless to have got adjourned indefinitely the complaint filed by her.

7. In this view of the matter learned counsel for the petitioner states that the instant petition may be dismissed as not pressed.

8. Accordingly the instant writ petition is dismissed as not pressed.

9. No costs.

PRADEEP NANDRAJOG, J.

MAY 31, 2016

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