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

+ CRL.M.C. 3110/2016

ANTRA BHATTI

..... Petitioner

Through: Mr.Rahul Khanna, Adv.

versus

STATE & ANR.

..... Respondents

Through: Mr.Izhar Ahmad, APP.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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29.08.2016

1. The present petition has been filed by the petitioner under Section 482 Cr.P.C. against the impugned order dated 22.08.2016 passed by the learned MM, Mahila Court, Dwarka, New Delhi.

2. Vide the impugned order, the learned MM has disposed of an application of respondent No.2 for grant of permission to travel abroad. The learned MM allowed the application observing that the right to travel abroad and pursue one's profession are facets of fundamental right to life under Article 21 and 19 of the Constitution of India. However, the presence of the accused is a sine qua non for

trial and investigation in criminal case. However, the respondent No.2 was subjected to certain conditions as stated in the impugned order.

3. The learned counsel for the petitioner has submitted that the Trial Court has failed to appreciate the previous conduct of the respondent No.2; that the order passed by the Trial Court has led to miscarriage of justice; and that the Trial Court has miserably failed to appreciate the facts in the matter.

4. I have heard the learned counsel for the petitioner and perused the record.

5. A complaint was filed by the petitioner against respondent No.2 and her in-laws. Based on the same, FIR under Sections 406/498A/34 IPC was registered. The charge sheet has been filed in the matter whereafter on appearance of the respondent No.2 in the court, he was granted bail on 03.08.2016 with the condition that he shall not leave the country without permission of the court. Thus, the respondent No.2 filed an application which was disposed of vide the impugned order. As the respondent No.2 was not cooperating with police, Look Out Circular (LOC) was issued against him which was later on

closed. The same was challenged before the Sessions Court which affirmed the closure of LOC.

6. Thus, in the given facts and circumstances, I do not find any ground to interfere with the impugned order.

7. Dismissed.

P.S.TEJI, J

AUGUST 29, 2016/dm