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

+ CRL.M.C. 5803/2014

JASPREET KAUR Petitioner

Represented by: Mr.Pradeep Kumar Arya,
and Ms.Sarika Soam, Advs.

versus

STATE & ORS Respondents

Represented by: Mr.Amit Ahlawat, APP for State
SI N.L.Yadav, PS Kirti Nagar
Mr.Gurpreet Singh, Adv. for R-2 to R-7

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

ORDER

% **16.09.2016**

1. Impugned order dated July 02, 2013 reads as under:-

“02.07.2013

*Fresh charge sheet/challan filed. It be checked
and registered as per rules.*

Present: Ld.APP for the State

*Accused Bal Preet Singh has been chargesheeted
and put in column No.11.*

*Accused Sarabjeet Singh; Mrs.Manjeet Kaur,
Gaganpreet Singh, Surender Singh, Smt. Satinder
Kaur and Mrs.Jaspreet Kaur @ Jolly have not
been chargesheeted and put in Column No.12.*

*I have perused the contents of the charge sheet. I
have also heard the submissions advanced. I take
cognizance for the offence u/s 190 (1) (b) Cr.P.C.*

punishable u/s 498A/406 IPC against the accused Balpreet Singh.

Let, summons be issued against the accused Balpreet Singh to be served through IO/SHO concerned to secure his appearance before the Court on the next date of hearing i.e. 10.10.2013.

*(Colette Rashmi Kujur)
MM(Mahila Court-02)
West/THC : 02.07.2013”*

2. Grievance of the complainant is that the learned Metropolitan Magistrate has acted mechanically with reference to the charge-sheet filed ignoring the specific allegations in the complaint which resulted in FIR No.142/2012 being registered.
3. Learned counsel for respondents No.2 to 7 who are the father-in-law, brother-in-law, younger brother of the father-in-law and the wife of the younger brother of the father-in-law and the sister-in-law of the complainant states that rather than invite any prima-facie expression from this Court, on instructions from said respondents, he consents to the petition being disposed of setting aside the impugned order dated July 02, 2013 to the extent it mechanically proceeds to take cognizance and issue summons only to the husband and the learned Metropolitan Magistrate is thus directed to consider the matter afresh and pass a suitable order.
4. Learned counsel for the complainant consents.
5. Learned counsel for the State also consents.
6. Accordingly, the instant petition is disposed of directing learned Metropolitan Magistrate to reconsider the charge-sheet filed by the petitioner and not act mechanically by simply noting which name is put in

which column. It is the duty of the learned Metropolitan Magistrate to look into the complaint and other material collected by the prosecution and filed along with the charge-sheet and then take a conscious and reasoned decision as to whether case is made out against persons or to proceed against for offences punishable under the Penal Code.

7. The petition is disposed of in above terms.

PRADEEP NANDRAJOG, J

SEPTEMBER 16, 2016

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