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

+ **CRL.M.C. 1043/2017**

PUSHPENDER SINGH SIROHI Petitioner

Represented by: Mr. Ajay Pant, Advocate.

versus

SONU SIROHI

..... Respondent

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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16.03.2017

Crl. M.A. No. 4381/2017 (Exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 1043/2017 and Crl. M.A. No. 4382/2017 (Stay)

1. By the present petition, the petitioner inter alia prays for quashing of the order dated 9th November, 2016 and directions to remove the witnesses taken on record vide order dated 9th December, 2016 and to conclude the trial in a time bound manner.

2. A complaint case was filed by the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short 'PWDV Act').

3. Learned counsel for the petitioner submits that the petitioner has since been granted divorce on the ground of cruelty from the respondent and the appeal filed by the respondent has been withdrawn before this Court.

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Therefore, no purpose would be served in continuance of the proceedings under Section 12 of the PWDV Act before the learned Metropolitan Magistrate. Thus the respondent be not permitted to examine further witnesses as permitted vide order dated 9th November, 2016.

4. A perusal of the paper-book reveals that evidence by way of affidavit was filed by the respondent on 9th March, 2011 however, thereafter proceedings continued in respect of interim maintenance which was granted vide order dated 26th March, 2011 which was challenged by both the parties in appeal.

5. The grievance of the petitioner is that despite directions the list of witnesses was filed belatedly and that the list of witnesses has been filed only to delay the proceedings. Filing of list of witnesses is a right of a party. In case the Court finds that any of the witness sought to be examined by the party is not relevant to the issues raised, it will be for the learned Trial Court to pass appropriate orders thereon. This Court cannot interfere in its jurisdiction under Section 482 Cr.P.C. in an order permitting the party to place on record the list of witnesses.

6. Petition and application are dismissed.

MUKTA GUPTA, J.

MARCH 16, 2017
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