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

+ **CRL.M.C. 2866/2012**

ANJU RANI

..... Petitioner

Represented by: **Mr. S.P. Kaushal, Advocate.**

versus

STATE & ORS

..... Respondents

Represented by: **Mr. Amit Ahlawat, APP for the State with Inspector Rajeev Yadav and Inspector Rita Gera, PS Inder Puri.**
Mr. Shishir Mathur and Mr. Chetan Tripathi, Advocates for respondent No.2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
16.03.2017

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1. FIR No. 99/2008 was registered against the respondent No.2 and his wife. After the charge sheet was filed at the stage of taking cognizance Mrs. Sanjeevan Prakash wife of respondent No.2 was discharged. Further at the time of arguments on charge the respondent No.2 was also discharged vide order dated 3rd September, 2011 by the learned Metropolitan Magistrate.

2. Aggrieved by the order dated 3rd September, 2011 the petitioner who was the complainant of FIR No.99/2008 registered at PS Inderpuri for offence punishable under Sections 506/509/34 IPC pursuant to directions under Section 156 (3) Cr.P.C., filed the revision petition. Vide the impugned order dated 28th April, 2012 the learned Additional Sessions

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Judge dismissed the revision petition filed by the petitioner challenging the order dated 3rd September, 2011 discharging the respondent No.2.

3. The petitioner challenges the impugned order dated 28th April, 2012 inter alia the ground while upholding the order of the Magistrate, the Revisional Court could not have considered the contents of a status report filed by the SHO, PS Inderpuri before the High Court in another FIR which did not form part of the charge sheet in FIR No.99/2008.

4. A perusal of the Para-6 of the impugned order dated 28th April, 2012 reveals that the learned Additional Sessions Judge did consider the contents of the status report filed by the SHO, PS Inderpuri filed before this Court. The same being beyond the charge sheet and not a document concerning the FIR No.99/2008, the impugned order dated 28th April, 2012 is set aside. Crl. Revision Petition No.101/2011 is remanded back to the learned Additional Sessions Judge for re-hearing.

5. Needless to state that the present petition is being allowed only on this limited ground and anything said herein is not an expression of opinion on the merits of the case.

6. The parties will appear before the learned Sessions Judge, Patiala House Court on 10th April, 2017 who will fix the matter before the concerned additional sessions Judge.

7. Petition is disposed of.

MUKTA GUPTA, J.

MARCH 16, 2017/‘vn’