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

+ CRL.M.C. 3786/2016 and Crl. M.A. No. 15842/2016

GAURAV KUMAR SINGH

..... Petitioner

Represented by: Mr. Neeraj Bhardwaj,
Advocate.

versus

STATE (GOVT OF NCT OF DELHI)

..... Respondent

Represented by: Mr. Ashok K. Garg, APP for
the State with Inspector
Sanjeev Kumar and SI
Inderveer Singh, PS Karawal
Nagar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.02.2017

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1. By the present petition the petitioner seeks quashing of the order dated 15th September, 2016 and issuance of the process under Section 82 Cr.P.C. against him.
2. The petitioner is facing trial in case FIR No.21/2010 under Sections 498A/406/420/34 IPC and Sections 3 and 4 of the Dowry Prohibition Act registered at PS Karawal Nagar.
3. A status report has been filed. As per the status report during trial the petitioner was appearing before the Trial Court regularly and when absent he sought exemption which was duly granted. However, on 25th July, 2016 the petitioner and his mother absented and hence non-bailable warrants were issued against them. Non-bailable warrants issued against the petitioner

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and his mother were returned back unexecuted on 23rd August, 2016 as the two of them were not available at the address given. Despite service surety was also absent. On 15th September, 2016 the mother of the petitioner along with the sureties appeared. Cancelling the warrants of attachment, the mother of the petitioner was sent to judicial custody and fine was imposed on the surety of the mother and the petitioner.

4. Before this Court the petitioner has placed on record copy of his identity card which shows that while working in railways the petitioner is presently posted at Kathgodam and at the relevant time due to illness had gone to Bareilly for his treatment. The medical documents in this regard have been placed on record at Annexure-C of the present petition.

5. Considering the fact that the petitioner could not appear before the learned Trial Court for bona fide reasons and after this Court directed that no coercive action be taken against the petitioner vide order dated 6th October, 2016 the petitioner has appeared before the learned Trial Court on 9th January, 2017, 10th January, 2017 and 11th January, 2017, this Court deems it fit to quash the coercive action against the petitioner.

6. Consequently, in view of the subsequent conduct of the petitioner and the undertaking that he would appear before the Court on each and every date unless exempted, the order dated 15th September, 2016 issuing coercive process against the petitioner under Section 82 Cr.P.C. is set aside.

7. Petition and application are disposed of.

8. Order dasti.

MUKTA GUPTA, J.

FEBRUARY 15, 2017/‘vn’

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