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

DECIDED ON : 4th JANUARY, 2017

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CRL.M.C. 5/2017

SANJEEV KUMAR GUPTA

..... Petitioner

Through : Mr.D.K.Sharma, Ms.Monika Sharma
& Mr.Rohit Vats, Advocates.

versus

STATE (NCT OF DELHI)

..... Respondent

Through : Mr.Akshai Malik, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

CRL.M.A.Nos.18/2017 (Exemption) & 19/2017 (Exemption)

Exemption allowed subject to all just exceptions.

The applications stand disposed of.

CRL.M.A.No.144/2017 (Delay)

1. For the reasons mentioned in the application for condonation of delay in re-filing the petition, the delay is condoned.
2. The application for condonation of delay is disposed of.

CRL.M.C. 5/2017

1. Present petition under Section 482 Cr.P.C. has been filed by the petitioner to challenge the legality and correctness of an order dated 09.08.2016 of learned Addl. Sessions Judge in C.R.No.16/2016 whereby

order dated 08.02.2016 of learned Chief Metropolitan Magistrate was upheld.

2. I have heard the learned counsel for the parties and have examined the file. Admittedly, a complaint case lodged by the complainant is pending under Section 200 Cr.P.C. Application under Section 156(3) Cr.P.C. filed by the petitioner has since been dismissed. The said order has not been challenged. No other specific order in the complaint case has been passed by the Courts below to challenge in the present proceedings. Instead of leading evidence in the complaint case, the application was moved by the petitioner for reinvestigation / further investigation of case FIR No.253/2011 registered under Sections 279/304A IPC which has already been filed after acceptance of closure report getting no objection from the legal heirs of the deceased. It is relevant to note that the petitioner is not a witness to the incident. He subsequently married Ritu wife of one of the deceased and with whom he has strained relations. Learned APP has placed on record photocopy of FIR No.212/2013 lodged by Ritu against the present petitioner under Sections 498A/323/504/377 IPC & Sections 3/4 D.P.Act.

3. I find no illegality or irregularity in the impugned order. The petition is dismissed.

(S.P.GARG)
JUDGE

JANUARY 04, 2017 / tr