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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3403/2017**

VISHAL SHARMA

..... Petitioner

Through: Mr.Mohit Mathur, Sr. Adv. with
Mr.Sudarshan Rajan and Mr.Karanjot
Singh, Advs.

versus

THE STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Mr.Hirein Sharma, APP for State
SI Ramesh Singh, PS-Subzi Mandi

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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28.08.2017

CRL.M.A.13907/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3403/2017

By way of the present petition, the petitioner assails the impugned order dated 14.07.2017 passed by the learned Metropolitan Magistrate-07 (Central), Tis Hazari Courts, Delhi whereby the Court below dismissed the application under Section 156(3) Cr.P.C and did not proceed with the complaint case under Section 200 Cr.P.C.

Learned senior counsel appearing for the petitioner has submitted that the impugned order deviates from judicious mind and relied upon the judgment of the Hon'ble Supreme Court in the case of ***Madhao vs. State of Maharashtra (2013) 5 SCC 615*** and submitted that while dismissing the application under Section 156 (3) Cr.P.C, the learned Magistrate did not

proceed with the complaint case under Section 200 Cr.P.C which is contrary to the mandate of ***Madhao*** (supra).

I have perused the impugned order dated 14.07.2017. A perusal of the impugned order reveals that no opportunity is given to the petitioner to lead evidence on the complaint case under Section 200 Cr.P.C. Consequently, the impugned order dated 14.07.2017 is set aside and the Court below is directed to look into the matter afresh and proceed the matter in accordance with law.

Petitioner is directed to appear before the concerned Court below on 12th September, 2017.

Copy of this order be give *dasti*.

I.S.MEHTA, J

AUGUST 28, 2017/sr