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

+ CRL.M.C. 1020/2016 and Crl. M.A. 4377/2016

SHRINIWAS KUMAR MANAVI Petitioner

Through: None

versus

STATE & ANR. Respondents

Through: Mr. Ravi Nayak, APP for the State
Mr. Atul Guleria, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.09.2018

The petition at hand under Section 482 of the Code of Criminal Procedure, 1973 (Cr.PC) was filed in March 2016 with the prayer for quashing of the proceedings arising out of criminal complaint (no.68/2013) and the order dated 22.01.2016 of the Metropolitan Magistrate in the case instituted by the second respondent alleging offences under Section 138 of the Negotiable Instruments Act, 1881. By proceedings recorded on 23.01.2018, it was brought to the notice of the court by the second respondent (complainant) that the petitioner had not been appearing before the trial court and instead was absconding. Against this background, the petitioner was directed to appear before this court on 13.02.2018. On 13.02.2018, none appeared for the petitioner. The matter was adjourned to 21.05.2018.

The situation remained the same on 21.05.2018. Today again, there is no appearance on behalf of the petitioner on the matter being called out.

The counsel for the second respondent has submitted for record at the hearing, copy of the order dated 26.05.2018 passed by the trial court in the complaint case from which the present proceeding arise indicating that the petitioner (accused in the said case before the trial court) had failed to appear inspite of the publication of proclamation under Section 82 Cr. PC and in this view, a direction was given for offence under Section 174 A of Indian Penal Code, 1860 (IPC) registered against him and the matter taken up thereupon in accordance with law. The counsel for the second respondent has also submitted at the hearing, that pursuant to the said order of the Metropolitan Magistrate passed on 26.05.2018, the SHO of police station Saket, New Delhi has registered FIR no.304/2018 involving offence under Section 174A IPC against the petitioner.

Taking note of the above mentioned facts, as indeed, the failure on the part of the petitioner to comply with the directions in the order dated 23.01.2018 and further his absence today, the petition is dismissed in default and for want of prosecution.

The pending application is rendered infructuous and also dismissed.

R.K.GAUBA, J

SEPTEMBER 11, 2018

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CRL.M.C. 1020/2016

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