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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2775/2016**

STATE

..... Petitioner

Through: Mr. K.S. Ahuja, APP for the State.

versus

ANIL AGGARWAL & ORS

..... Respondents

Through: Mr. Pankaj Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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16.11.2018

The respondents were summoned along with Anil Aggarwal, Santosh Aggarwal and Ramphal Aggarwal on the basis of evidence gathered during investigation of FIR no. 33/2007 of police station Anand Vihar involving offences punishable under Sections 498A/406/34 IPC. The Metropolitan Magistrate considered the question of charge, by her order dated 21.03.2015, and found charge for offence under Section 498A IPC made out against all, including the respondents herein, Santosh Aggarwal having died, proceedings against her abated.

The aforesaid order was challenged before the court of sessions in Rev. Nos. (CR. No. 02/2015 and 03/2015). By common order dated 11.01.2016, while upholding the order framing charge against Anil Aggarwal and Ramphal Aggarwal, the revisional court directed discharge of the respondents herein, they being four sisters of the husband of the complainant and husband of two of them, the observation being that the allegations against them were improbable.

The aforesaid order has been challenged by the State through the petition at hand invoking Section 482 Cr.P.C.

After some hearing, the learned counsel representing the respondents, having taken instructions, fairly conceded that charge is made out against the respondents on the basis of available material for they to be put on trial for offences under Section 498A/34 IPC which only is pressed by the State.

Thus, with the consent of the respondents, the petition is allowed. The impugned order of the court of sessions directing discharge of the respondents is set aside. The order dated 21.03.2015 of the Metropolitan Magistrate directing charge to be framed against the respondents is restored and revived. The proceedings against the respondents shall also be taken up in the ongoing trial against the other co-accused by appropriate further proceedings including formal charges being framed and plea of accused thereupon recorded.

The respondents shall appear before the trial court on 3rd December, 2018.

Needless to add, the respondents will be obliged to furnish fresh bail bonds for regulating their appearance in the future proceedings.

R.K.GAUBA, J

NOVEMBER 16, 2018

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