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

+ **CRL.M.C. 5120/2018 & CRL.M.A. 33725-26/2018**

ANURADHA SARIN

..... Petitioner

Through: Ms. Rebecca M. John, Sr. Adv. with
Ms. Anita Abraham, Mr. Siddhant
Kohli & Mr. Garima Jain, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Ravi Nayak, APP for the State
with ASI Kailash, PS Karol Bagh.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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08.10.2018

By order dated 01.03.2017 of the Metropolitan Magistrate on the file of criminal case arising out of FIR no. 184/2008 of police station Karol Bagh involving offences punishable under Sections 420/34 IPC, charges have been framed against the petitioner. The petitioner had challenged the said order before the court of sessions by criminal revision petition 199/2017 which was dismissed by order dated 02.08.2017.

By the present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C) the said orders of the two courts below are sought to be assailed.

The prime submission of the learned senior counsel for the petitioner is that the moot allegations against the petitioner are that she was present with her late mother Smt. Pushpa Surya Narain sometime in 1996 when the

deal leading to the sale deed executed by her in favour of the complainant was being negotiated and that she had confirmed verbally that the property in question was free from all encumbrances. It is the allegation of the prosecution in the case that the property was actually under a charge in context of a bank loan which had been taken by a company of which Smt. Pushpa Surya Narain was the managing director and, therefore, there was mis-representation leading to the offence of cheating being committed. The petitioner's case is that she was a married daughter, who was in United States of America (USA) since January, 1984, and was not present in India during the period in 1995 to March, 2000 which covers the alleged date of negotiations when she is stated to have participated in the transaction.

The petitioner seems to have received some communication by email from US Customs and Border Protection, US Department of Homeland Security, USA confirming her presence on US soil during the aforementioned period. She, however, needs time to muster clear unimpeachable authentic proof in this regard.

At this stage, the learned senior counsel submitted, on instructions, that she may be permitted to withdraw the present petition and given liberty for coming with a fresh petition as soon as such proof as indicated above, has been gathered.

The petition and the applications filed therewith are dismissed as withdrawn with liberty as prayed for granted.

R.K.GAUBA, J

OCTOBER 08, 2018/nk

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