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

+ **CRL.M.C. 826/2019 & CRL.M.A.3338/2019**

SUMAN MARWAH

..... Petitioner

Through: Mr. Anirudh Bakhru and
Ms.Aashita Khanna, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Kamal Kumar Ghei, APP
with Insp. Ram Swaroop, PS
Begumpur, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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21.02.2019

1. The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for quashing of the impugned order dated 24.12.2018 passed by learned ACMM, North-West, Rohini Courts, Delhi, the non-bailable warrant issued against the petitioner on 28.11.2018 and the proclamation dated 19.1.2019 issued pursuant to the proceedings under Section 82 Cr.P.C. against the petitioner in relation to FIR No.476/2018 under Sections 498-A/304-B/34 of the Indian Penal Code, 1860 (IPC), registered at Police Station Begumpur, Rohini, Delhi.

2. Learned counsel for the petitioner submitted that the Trial Court in view of the pendency of the anticipatory bail application before this Court has not exercised jurisdiction and vide the impugned order

dated 24.12.2018 has held that since the matter is pending before the High Court of Delhi, the Court of Metropolitan Magistrate can not interfere during the pendency of such matter before the High Court, and thereby, dismissed the application of the petitioner as not maintainable.

3. It is clarified that the application filed by the petitioner for the cancellation of NBW before the Trial Court has no connection whatsoever with the pendency of the anticipatory bail application pending before this Court. The Trial Court is well within its power to exercise its jurisdiction and pass appropriate orders in accordance with law. Accordingly, impugned order dated 24.12.2018 is set aside with the directions to decide the application of the petitioner as per law.

4. Learned counsel for the petitioner, at this stage, submitted that he shall also move an application for the recalling of the process under Section 82 of the Code of Criminal Procedure, 1973 before the Trial Court. The Trial Court may consider such application, if any, in accordance with law.

5. Learned counsel for the petitioner further submitted that in view of the aforesaid directions, he may be allowed to withdraw the petition. Accordingly, the petition is dismissed as withdrawn. Pending application is also dismissed as withdrawn.

6. It is clarified that this Court has not expressed any opinion on the merits of the petition.

7. The Trial Court is directed to take up the matter on 25.2.2019 for the aforesaid purpose.

8. The date earlier fixed by the Trial Court stands cancelled.

Dasti.

CHANDER SHEKHAR, J

FEBRUARY 21, 2019/rk