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

+ CRL.M.C. 1185/2019 AND CRL.M.A. 4611-4612/2019

NEERAJ MALHOTRA Petitioner
Through Mr. Vikas Sharma and Mr. Shailesh
Tiwari, Advocates

versus

THE STATE (NCT OF DELHI) & ANR. Respondents
Through Mr. Raghuvinder Verma, APP for the
State with SI Moolchand, P. S. H.
Nizamuddin

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **28.02.2019**

Crl. M. A No. 4612/2019

Exemption allowed subject to all just exceptions.

Application is disposed of.

CRL.M.C. 1185/2019 and Crl.M.A. 4611/2019

By order dated 30th January, 2019 process under Section 82 Cr.P.C. was issued against the petitioner who was an accused in a complainant case being CC No. 633969/2016 filed under Section 138 of N.I. Act filed by respondent no.2. The SHO concerned was also directed to register the FIR against the petitioner under the appropriate provisions of law.

On an application filed by the petitioner process under Section 82

Cr.P.C. was cancelled vide order dated 25th February, 2019 and the SHO concerned was also directed not to register the FIR against the petitioner, if not already registered.

It is noted that the SHO, P. S. Hazrat Nizamuddin had already registered FIR No. 62/2019 under Section 174A IPC on 23rd February, 2019 pursuant to the order dated 30th January, 2019 passed by learned Metropolitan Magistrate, meaning thereby, FIR had already been registered before the order dated 25th February, 2019.

Be that as it may, process under Section 82 Cr.P.C. issued against the petitioner by the learned Metropolitan Magistrate vide order dated 30th January, 2019, was cancelled by the learned Metropolitan Magistrate by his subsequent order dated 25th February, 2019, therefore, I am of the view that continuance of the FIR No. 62/2019 would be abuse of process of law. Accordingly, in the interest of justice, aforesaid FIR and the consequent proceedings emanating therefrom are quashed.

The petition stands disposed of.

Dasti.

A.K. PATHAK, J

FEBRUARY 28, 2019

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