

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: January 31, 2019

+ CRL.M.C. 512/2017

SMT RASHMI TANDONPetitioner

Through: Mr. Gaurav Mitra, Mr. Vaibhav
Misra and Ms. Rashmita Roy
Chowdhury, Advocates

Versus

SMT PRAMILA TANDON & ANRRespondents

Through: Mr. Prabhjit Jauhar, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

CRL.M.A. 2260/2019 (Early hearing)

By way of this application, petitioner seeks early hearing of this petition.

Upon hearing, the application is allowed and the date fixed i.e. of 29th March, 2019 stands cancelled and the hearing of the main petition is advanced to today.

The application is accordingly disposed of.

CRL.M.C. 512/2017

The challenge in this petition is to impugned order of 22nd December, 2016 which restrains petitioner from approaching the complainant in any manner by physically being in the presence of the complainant within the distance of 20 meters, or any other place where the complainants are working as the both parties are said to be residing in

the same premises. Quashing of impugned order as well as the complaint under the Protection of Woman from Domestic Violence Act, 2005 is sought on merits.

Respondent's counsel informs that the application under Section 12 of the Protection of Woman from Domestic Violence Act, 2005 is pending before the trial court at the stage of final hearing and the matter is coming up for hearing before the Trial Court today at 2 p.m.

Petitioner's counsel raises the jurisdictional issue regarding the maintainability of the complaint.

Since the case before the trial court is at the fag end, therefore, this Court is not inclined to exercise its extraordinary inherent jurisdiction under Section 482 of Cr.P.C. to deal with this petition on merits. It is deemed appropriate to relegate petitioner to the trial court, to raise the pleas taken herein at the stage of final arguments. Needless to say, the pleas so taken by petitioner including the jurisdiction issue would be dealt with by trial court in accordance with the law.

Let the trial court take up the case on 7th February, 2019 at 2:00 p.m. for hearing petitioner in the pending complaint.

With the aforesaid directions, this petition is disposed of, while not commenting on merits.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 31, 2019
p'ma