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

+ **CRL.REV.P. 454/2018 & CrI.M.A. 321/2019**

PARVEEN BEGAM Petitioner

Through: Ms. Sunita Arora, Advocate

Versus

STATE (NCT OF DELHI) & ORSRespondents

Through: Mr. Izhar Ahmad, Additional
Public Prosecutor for State with
ASI Devender Kumar

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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19.03.2019

CrI.M.A. 9679/2018 (delay)

Notice of this application to respondent Nos. 2 to 6 is dispensed with as they were not put to notice by trial court.

There is delay of 41 days in filing the accompanying petition.

Upon hearing, I find that averments made in the instant application provide sufficient cause to condone the delay occasioned. The application is allowed and the delay stands condoned.

The application is disposed of.

CRL.REV.P. 454/2018 & CrI.M.A. 321/2019

Impugned order of 6th January, 2018 rejects petitioner's application under Section 156(3) of Cr.P.C. and the complaint under Section 200 Cr.P.C. preferred by petitioner also stands dismissed without putting respondent Nos. 2 to 5 to notice.

Upon hearing and on perusal of impugned order of 6th January, 2018 and reply of 21st December, 2017, I find that respondent Nos. 2 and 3 were the tenants of petitioner-complainant and that petitioner-complainant had left her house with respondent No. 3-*Allaudin* with her free will on 12th December, 2015 and on 17th January, 2016 she had made a complaint to the local police of her being beaten by her husband-*Khurshid* and DD No. 26B was registered in this regard.

As per local police, petitioner-complainant neither gave any statement nor had got any medical done and later on respondent No. 2-*Razzak* and his wife-*Manju* quarrelled on some issues and respondent No. 2-*Razzak* left the house and is living elsewhere.

Trial court vide impugned order has found petitioner's case to be improbable merely because petitioner's husband had not made any complainant to the local police regarding missing of petitioner. However, it is noted in the impugned order that on 17th January, 2016 petitioner alongwith her husband had signed the complaint. Learned counsel for petitioner submits that petitioner and her husband were forced by the local police to sign the said complaint and on its basis dismissal of petitioner's complaint under Section 200 of Cr.P.C. is wholly untenable.

Considering the submissions advanced, I find that dismissal of petitioner's application under Section 156(3) of Cr.P.C. is justified but petitioner's complaint under Section 200 of Cr.P.C. ought to be tried in accordance with the law.

Resultantly, impugned order of 6th January, 2018 is set aside, so far as, it dismisses petitioner's complaint under Section 200 of Cr.P.C. Let petitioner's complaint under Section 200 of Cr.P.C. be tried, in

accordance with the law.

With aforesaid direction, this petition and application are accordingly disposed of.

(SUNIL GAUR)
JUDGE

MARCH 19, 2019

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