

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: February 15, 2019

+ CRL.M.C. 1878/2017
STATE GOVT OF NCT OF DELHIPetitioner
Through: Ms. Neelam Sharma, Additional
Public Prosecutor for State

Versus

POONAM & ORSRespondents
Through: Respondents in person.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR
ORDER
(ORAL)

Trial court vide order of 27th August, 2016 (*Annexure P-1*) has refused to take cognizance of the charge-sheet filed for the offences under Sections 323/341/506/34 of IPC while holding that the *prima-facie* case under Sections 323/506 of IPC is made out and both offences are non-cognizable. Aforesaid order has been upheld by the Revisional Court vide impugned order of 1st October, 2016.

Learned Additional Public Prosecutor for petitioner-State relies upon decision of a Co-ordinate Bench of this Court in Crl.M.C. 4966/2014 titled as '*Vijay Kumar Wadhawan Vs. State Govt. of NCT of Delhi & Anr.*, 2015 SCC Online DEL 12454 to submit that for non-cognizable offences, a complaint by a private person is maintainable.

Upon hearing, I find that there is no dispute with aforesaid proposition. Petitioner may apprise to the complainant about it, who may file a private complaint against respondent if she so chooses.

With aforesaid observations, this petition is accordingly disposed of.

Dasti.

(SUNIL GAUR)
JUDGE

FEBRUARY 15, 2019

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