

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

Date of Order: January 10, 2019

+ CRL.M.C. 5494/2017 & Crl.M.As. 21362-21364/2017

ALINA GALUSHKA

..... Petitioner

Through: Mr. Aditya Wadhwa and Mr. S.
Mishra, Advocates

Versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. M.S. Oberoi, Additional
Public Prosecutor for State with SI
Rahul, P.S. Kalkaji.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Quashing of charge-sheet filed in F.I.R. No. 42/17, registered at police station Kalkaji, New Delhi for the offence under Section 188 IPC is sought. Quashing of summoning order of 25th July, 2017 is also sought on merits.

Learned counsel for petitioner submits that in view of Section 195 of Cr.P.C cognizance of offence under Section 188 IPC can be taken only on a complaint. It is submitted that the mandatory conditions provided under Section 202 Cr.P.C. have not been followed. It is also submitted

that the ingredients of the offence under Section 188 of IPC are lacking. Therefore, quashing of summoning order is sought on merits.

Learned Additional Public Prosecutor informs that matter is coming up before Trial Court for hearing on the point of Charge on 11th February, 2019.

In view of the aforesaid, it is deemed appropriate to relegate the petitioner to trial court to urge the pleas taken herein before the trial court at the time of hearing on the point of Charge. Needless to say that the pleas taken before the trial court shall be duly considered by way of a speaking order.

At this stage, learned counsel for petitioner seeks permanent exemption from appearance for petitioner to appear before the trial court on the ground that he is a foreign national.

If an application seeking permanent exemption is filed, it be considered by the trial court in accordance with the law.

This petition and the applications are accordingly disposed of, with liberty as aforesaid.

भारतमेव जयते

(SUNIL GAUR)
JUDGE

JANUARY 10, 2019

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