

NEUTRAL CITATION NO: 2022/DHC/004971

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment reserved on: 22.02.2021

Date of decision: 19.11.2022

+ CRL.M.C. No. 217/2021, CRL.M.A. Nos. 1118/2021 & 1119/2021

JOGINDER SINGH LATHER

..... Petitioner

Through: Ms. Karuna Nundy, Mr.Aaditya Wadhwa, Ms.Harshitha Reddy and Mr.Aaditya Gambhir, Advocates.

Versus

STATE (NCT OF DELHI) & ANR. Respondents

Through: Mr. Kamal Kumar Ghei, APP for State with SI Kamal Kohli Mr.Rajesh Baweja, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT

ANU MALHOTRA, J

1. The petitioner, vide the present petition seeks the setting aside of the entire proceedings emanating out of FIR No.59/2019, PS EOW under Sections 406/420/120B of the Indian Penal Code, 1860 qua the petitioner including the order dated 16.10.2020 of the Court of the learned CMM, District-North, Rohini Courts, New Delhi, whereby, the proceedings under Section 82 of the Cr.P.C. were initiated against the petitioner and order dated 15.01.2021, whereby, the proceedings under Section 82 of the

Signature
Not Verified

Digitally Signed
By: SUMIT GHAI
Signing
Date: 19.11.2022
17:43:15
This file is
digitally signed by
PS to HMJ ANU
MALHOTRA.

NEUTRAL CITATION NO: 2022/DHC/004971

Cr.P.C. against the petitioner were not withdrawn despite the petitioner having put in appearance before the Court.

2. The status report dated 01.02.2021 of the ACP, EOW, New Delhi reflects to the effect that the petitioner herein pursuant to order dated 08.12.2020 of this Court, whereby, the interim protection was granted to the petitioner with directions to him to join the investigation, joined the investigation on 15.12.2020, 17.12.2020 and 20.01.2021, though, he did not give satisfactory replies and was non co-operative. As per the proceedings in CRL. M.C.2412/2020, the date of grant of interim protection is, however, 09.12.2020.

3. Apparently, the purpose of proceedings under Section 82 of the Cr.P.C., 1973 is to compel a person to put in appearance before the Court concerned and joining of investigation which the petitioner admittedly did even it be pursuant to the interim protections granted to him, it cannot be overlooked that offence punishable under Section 406/420/120B of the Indian Penal Code, 1860, do not fall within the ambit of Section 82(4) of the Cr.P.C., 1973.

4. In these circumstances, the proceedings under Section 82 of the Cr.P.C., 1973 initiated against the petitioner vide proceedings dated 16.10.2020 are set aside.

5. The petition and all the accompanying applications are disposed of accordingly.

ANU MALHOTRA, J.

NOVEMBER 19th, 2022/nc

Signature
Not Verified

Digitally Signed
By: SUMIT GHAI
Signing
Date: 19/11/2022
17:43:15
This file is
digitally signed by
PS to HMJ ANU
MALHOTRA.