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

+ CRL.M.C. 4813/2023, CRL.M.A. 18425/2023, CRL.M.A. 18484/2023

ANITA

..... Petitioner

Through: Mr. Zahid Hanief and Mr. Sarfaraz
Nabi, Advs.

versus

RAKESH KUMAR

..... Respondent

Through:

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Date of Decision: 18th July, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 Cr.PC challenging the order dated 03.05.2023 whereby an ex- parte order against the respondent has been set aside.
2. Learned counsel for the petitioner submits that ex- parte order has been set aside without any sufficient reason as required under the law.
3. Learned counsel for the petitioner submits that the respondent is intentionally not appearing before this Court and there is an arrear of approximately Rs. 5,00,000/- including the litigation expenses



and the respondent has not paid any money. Learned counsel submits that two execution application and contempt application is also pending before the learned Trial Court.

4. Section 482 Cr. PC provides as under:

‘Saving of inherent powers of High Court. Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.’

5. The bare perusal of Section 482 Cr. PC makes it clear that the High Court can interfere to prevent the miscarriage of justice or abuse of process of the Court. The Court under Section 482 Cr. PC cannot interfere into the order of the learned Trial Court if there is no illegality, infirmity and perversity in the order.
6. I find that there is no illegality, infirmity and perversity in the impugned order. The learned Trial Court has taken a view and this Court will not substitute its only with a view taken by the learned Trial Court. Hence, the petition along with pending applications is dismissed.
7. However, the learned Trial Court is requested to expeditiously disposed of the present petition as well as execution petition in accordance with the law.

DINESH KUMAR SHARMA, J

JULY 18, 2023

Pallavi