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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 129/2024 & CRL.M.A. 1092/2024 (Stay), CRL.M.A. 1093/2024 (Exemption)

SH. YASAR KHAN Petitioner
Through: Mr. Akhileshwar Jha, Mr. Virendra Mohan, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent
Through: Mr. Anand V. Khatri, ASC (Crl) for State with SI Akash Kumar, P.S. Bhajanpura.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
12.01.2024

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1. The present petition under Article 226 and 227 of the Constitution of India read with Section 482 of the Cr.P.C. seeks the following prayers:-

In view of the aforesaid facts and circumstances, the petitioner herein most humbly prays that this Hon'ble Court may graciously be pleased to:

A. To, Call and examine all the judicial Trial Court Record of the present case from the Court of Ms. Renu Choudhary, M.M., Mahila Court, North East, Karkardooma Court, Delhi for satisfying itself regarding the legality, correctness and propriety of the impugned order dated 23.03.2021; 02.05.2023, 16.11.2023, 02.12.2023 & 09.12.2023 and, same kindly be set aside, in the interest of justice.

B. That, to completely set aside the Unreasonable, unjust and illogical interim maintenance Order for Rs. 15,000/- per month to be paid as per the Impugned Order vide Dated 23.03.2021 passed by the then "Ld. MM Vijayshree Rathore (Mahila Court) K.K.D.



North East”.

C. That, to completely set aside an Impugned Order vide, Dated 02.05.2023 through which the Ld. Additional Session Judge Court has violated the fundamental right to live and right to life and, has directed “the Ld. Trial Court to adopt more vigorous approach toward recovery of an arrear of maintenance amount from petitioner husband by adopting coercive process in the matter of “Nida Parveen vs. Yasar Khan”.

D. That, to set aside order vide dated 02.12.2023 wherein the Ld. District has upheld an order of arrests through “NBW” which was issued by the Ld. Trial Court and, to set aside and cancel the Non Bailable warrant “NBW” order vide dated 16.11.2023 which the Ld. Trial Court has passed through its perverse finding.

E. Issue an Order thereby directing the Trial Court “i.e Ld. Court of Ms. Renu Choudhary, M.M., Mahila Court, North East, Karkardooma Court, Delhi” not to arrest the Petitioner due to non-payment of an unreasonable interim maintenance for the time being.

F. To, set aside the process of proclaim offender under section 82 of Cr.P.C against the Petitioner which the Ld. Trial has issued through its order vide dated 00.12.2023.

G. To, further direct the concerned Ld. Trial Court under Writ Petition Criminal for issue Of Certiorari under Article 226 read with Article 227 for protection of fundamental rights of the Petitioner under Article 14, 15, 19 and 21 of the Constitution of India against Section 23 of “The Protection Of Women From Domestic Violence Act” & “against section 41 read with section 82 of Cr.P.C and to pass an appropriate direction under Section 482 of Cr.P.C. as it deem fit to this Hon’ble High Court.

H. Pass any other or further Relief/Order(s), which this Hon'ble Court may deem fit and proper in view of facts and circumstances of the present case, in the interest of justice”.

2. Learned counsel for the petitioner, without prejudice to the rights and contentions of the latter, seeks leave to withdraw the present petition with liberty to initiate appropriate proceedings in accordance with law.
3. Leave and liberty granted.



4. The present petition is dismissed as withdrawn and disposed of accordingly.
5. Pending applications, if any, also stands disposed of.

AMIT SHARMA, J

JANUARY 12, 2024/nk