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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 446/2023 & CRL.M.A. 1745/2023
RAJAN CHAWLA @ NATHU RAM AND ORS Petitioners
Through: None for the petitioner.

versus

STATE OF NCT OF DELHI AND ORS Respondents
Through: Mr. Sanjeev Sabharwal, APP for State
with SI Deepak PS Sultanpuri, Delhi.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

% **ORDER**
22.05.2024

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners seeks setting aside of the judgement/order dated 16.08.2022 passed by learned ASJ-cum-Special Judge (NDPS), North-West District, Rohini Court, Delhi in Criminal Revision No. 11/2020 whereby the order dated 18.11.2019 passed by learned MM (Mahila Court), Rohini Court, Delhi was set aside.

2. The facts relevant for consideration of the present proceedings are that respondent No.3 got married to petitioner No.1, however, subsequently, she filed a complaint with CAW Cell, which culminated into registration of FIR No.722/2001 at P.S. Sultanpuri. After investigation, chargesheet was filed. Charges under Sections 498A/406/506/496 IPC were framed against petitioner No.1 whereas charge under Section 494 IPC was framed against petitioner Nos. 2 and 3.

During the course of proceedings, an application under Section 311



came to be filed by respondent No.3 whereby she sought to summon record of three children of petitioner Nos. 1 and 2 from the school (Kendriya Vidyalaya, Sangatan No.3, Naraina Ring Road, Near Sadan Sadak Bhawan, New Delhi), in order to prove petitioner No.1's bigamy. The said application came to be dismissed by the learned MM noting that the matter had already reached at the fag end of trial inasmuch as the same was at the stage of final arguments.

3. Against dismissal of the said application, respondent No.3 filed a revision petition contending that the order passed by learned MM was erroneous and without application of judicial mind. After perusing the material placed before it, learned ASJ came to the conclusion that the order passed by the learned MM was not sustainable in the eyes of law and liable to be set aside. It was further directed that respondent No.3 be provided three opportunities to summon the said records.

4. Learned counsel for the petitioner submits that during the pendency of the present petition, the proceedings before the learned MM (Mahila Court), Rohini Courts, Delhi have culminated in a judgement of acquittal. He therefore submits that the present petition has become infructuous.

5. Considering the aforesaid, the petition alongwith pending application is disposed of as infructuous.

MANOJ KUMAR OHRI, J

MAY 22, 2024/NI