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

+ **CRL.M.C. 938/2024**

SMT SRIPRIYA SRIDHARAN & ANR.

..... Petitioners

Through: Dr.Pooja Jha, Dr.R. Prakash &
Ms.Nandita Jha, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms.Priyanka Dalal, APP.
SI Satyaveer Singh, PS Dabri.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

13.02.2024

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1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the Criminal Complaint, being Complaint Case no. 1670 of 2023, pending before the Court of the learned Chief Metropolitan Magistrate, Dwarka, New Delhi.

2. The petitioners have been issued a notice by the SI, Police Station: Dabri, asking them to join the inquiry on the abovementioned complaint.

3. The learned counsel for the petitioners submits that the complaint itself is quite vague and bereft of any particulars on which, now an inquiry is being sought by respondent no.1. She submits that by filing the present complaint, civil transactions are being given a



colour of criminal proceedings. She further submits that the petitioners are residents of the State of Tamil Nadu and are suffering from various ailments, and that they should not be made to suffer the agony of travel on such frivolous complaint.

4. On the other hand, upon notice, the learned APP for the State submits that an Action Taken Report has been called for by the learned Metropolitan Magistrate, and for the said purpose, a notice of inquiry was sent to the petitioners to enquire regarding the veracity of the allegations made in the complaint. She submits that presently, the petitioners are not accused and, therefore, have no locus to challenge the complaint, as cognizance thereof has also not been taken. She further submits that this is only a preliminary inquiry which is being conducted at the present stage in terms of the judgment of the Supreme Court in ***Lalita Kumari v. Government of Uttar Pradesh & Ors.*** (2014) 2 SCC 1.

5. I have considered the submissions made by the learned counsels for the parties.

6. As this is only a stage of preliminary inquiry being conducted by respondent no.1, keeping in view the fact that the petitioners are stated to be permanent residents of the State of Tamil Nadu and are stated to be suffering from various ailments, for the present, the petitioners are permitted to submit their response to the notice of inquiry in writing to the IO without there being any need of their personal presence.

7. Needless to state that further proceedings in the complaint case filed by respondent nos.2 and 3 shall be conducted in accordance with



law.

8. This Court has not expressed any opinion on the merits of the same. It is further clarified that the above order is being passed in the peculiar facts of the present case and shall not be treated as a precedent.

9. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

FEBRUARY 13, 2024/rv/am

Click here to check corrigendum, if any