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

+ **CRL.M.C. 1621/2024**

MANMEET KAUR

..... Petitioner

Through: **Mr. R.S. Juneja and Mr. Shiv Kumar,**
Advocates.

versus

THE STATE OF DELHI

..... Respondent

Through: **Mr. Laksh Khanna, APP for State**

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.05.2024

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1. By way of present petition filed under Section 482 Cr.P.C, the petitioner seeks quashing of the order dated 05.12.2023 passed in the case arising out of FIR No.323/2022 registered under Sections 323/341/506/34 IPC and Section 3(1)(s)/3(1)(w)(i) of the SC & ST (Prevention of Atrocities) Act at PS Khyala, Delhi, whereby the petitioner has been declared as an absconder.

2. Mr.R.S.Juneja, learned counsel for the petitioner states that the petitioner had earlier approached this Court by way of CRL.M.C. 1248/2023 which came to be disposed of vide order dated 22.02.2023, whereby he was granted liberty to file appropriate application to seek recall of process under Sections 82 and 83 Cr.P.C. The Court had further directed that till the time the said application was decided by the Trial Court, no coercive action shall



be taken against the petitioner. He submits that the petitioner thereafter has approached the Trial Court with the requisite application. While referring to the various orders passed by the Trial Court, he submits that a similar order was passed in favour of co-accused Satnam Kaur on 11.07.2023. He contends that while the Trial Court took note of the order dated 11.07.2023 passed qua Satnam Kaur, the order dated 22.02.2023 passed by this Court in favour of the petitioner has not been taken note of. He submits that instead of deciding the said application, the Trial Court proceeded with the proceedings under Section 82/83 Cr.P.C., whereafter the petitioner was declared as an absconder vide the impugned order. He submits that the petitioner had no intention to conceal herself from the proceedings and has been repeatedly approaching the Trial Court for seeking relief.

3. Learned APP for the State, on the other hand, has opposed the petition and submits that the impugned order came to be passed as the petitioner had not submitted herself to the process.

4. Pertinently, the petitioner had earlier approached this Court vide the aforementioned CRL.M.C.1248/2023, in which an interim order came to be passed on 22.02.2023.

5. Concededly, the petitioner thereafter approached the Trial Court, however a perusal of the proceedings before the Trial Court would show that the aforesaid order dated 22.02.2023 passed by this Court has escaped the notice of the Trial Court.

6. Considering that in light of a similar order being passed qua co-accused Satnam Kaur and that , no such order declaring Satnam Kaur as absconder has been passed and further, in view of the undertaking given by the petitioner that she would submit herself to the process and appear before



the Trial Court, the impugned order dated 05.12.2023 passed in the case arising out of FIR No.323/2022 registered under Sections 323/341/506/34 IPC and Section 3(1) (s)/3(1)(w)(i) SC & ST Act at PS Khyala, Delhi is set aside. The petitioner shall submit to the process by way of appropriate proceedings.

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

MANOJ KUMAR OHRI, J

MAY 8, 2024/rd