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

+ **CRL.M.C. 2432/2023**

SHRI ANIL KUMAR

.....Petitioner

Through: **Mr. Dhananjay Mehlawat, Adv.**

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: **Mr. Ajay Vikram Singh, APP for the State.**

Mr. Sunil Goyal, Mr. Nitin Kala & Mr. Rachit Gupta, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

17.04.2025

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1. This hearing has been done through hybrid mode.

CRL.M.A. 11509/2025 for clarification of judgement/order dated 17.12.2024

2. The present application under Section 528 of the BNSS (Section 482 of the Cr.P.C. has been filed by respondent No. 2 seeking the following prayers: -

“a) That the Judgment/Order dated 17.12.2024 be modified to the extent that the proceedings against the Petitioner in Criminal Complaint bearing CC No.557/1/15 (New No. 44814/2016) which was pending before the Court of the Ld. Presiding Officer, Special Court (NI Act), New Delhi, Rouse Avenue Courts, Delhi, now pending before the court of Ms. Neha Sharma, IMFC (NI Act)-04, Patiala House Courts, New Delhi, be quashed against Petitioner only.
b) Such other or further relief which this Hon’ble Court may deem fit be passed in favor of the Respondent No.2 and against the Petitioner



3. The learned Predecessor Bench of this Court *vide* judgment dated 17.12.2024 allowed the present petition and in the operative part of the order at para 26, the following directions were passed: -

“26. In view of the above. this Court finds it a fit case to exercise its extraordinary powers under Section 482 of the CrPC for quashing of the Criminal Complaint bearing CC No. 557/1/15 (New No. 44814/2016) and the consequential proceedings emanating therefrom, which is pending before the Court of the learned Presiding Officer, Special Court (NI Act), New Delhi, Rouse Avenue Courts, Delhi..”

4. The aforesaid order was challenged before the Hon’ble Supreme Court and *vide* order dated 24.03.2025 in SLP.(Crl.) 4205/2025, following order was passed :-

“We see absolutely no reason to interfere with the impugned order(s) in exercise of our jurisdiction under Article 136 of the constitution of India.

However, the petitioners(s) would always be at liberty to move an application for clarification before the High Court as he sees a contradiction between Paras 25 and 26 of the impugned order. This can be done only if an application for clarification be moved before the court which has passed the order. The sSpecial Leave Petitions are, accordingly, dismissed. Pending interlocutory application(s), if any, is/are disposed”

5. It is noted that the aforesaid judgment was passed by HMJ Chandra Dhari Singh, who has since taken oath as a Judge at Hon’ble Allahabad High Court.

6. Learned counsel appearing on behalf of the non-applicant/petitioner, who appears on advance notice, submits that he has no objection to the clarification sought in the application as the present petition was filed only at the instance of petitioner herein, *i.e.*, Anil Kumar.

7. In view of the above, para 26 of the judgment dated 17.12.2024 is



modified in the following manner: -

“26. In view of the above. this Court finds it a fit case to exercise its extraordinary powers under Section 482 of the CrPC for quashing of the Criminal Complaint bearing CC No. 557/1/15 (New No. 44814/2016) and the consequential proceedings emanating therefrom *qua* the present petitioner, which is pending before the Court of the learned Presiding Officer, Special Court (NI Act), New Delhi, Rouse Avenue Courts, Delhi..”

8. The application stands disposed of accordingly.
9. This order will be uploaded as corrigendum to the judgment dated 17.12.2024.
10. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.

AMIT SHARMA, J

APRIL 17, 2025/nk

Click here to check corrigendum, if any