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

+ **CRL.M.C. 2075/2024 & CRL.M.A. 8029/2024**

KASHIF KHAN & ANR.Petitioners

Through: **Ms. Rupali Samuel, Advocate.**

versus

STATE (NCT OF DELHI)Respondent

Through: **Mr. Hemant Mehla, APP for the State
along with SI Manish Phogat,
P.S.Mehrauli.**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

19.09.2024

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1. A Petition under 482 Cr.P.C has been filed on behalf of the petitioner for setting aside of Order dated 08.12.2023 of the learned M.M and the proceedings thereafter under Section 82 Cr.P.C which has been initiated against the petitioners and also further prayer is made for recall of the NBW.

2. The learned M.M vide Order dated 07.11.2023 had observed that the petitioners herein were evading investigations in 2021 and the process under Section 82 Cr.P.C were directed to be issued against them. However, the same were stayed vide Order dated 07.10.2023 on their undertaking that they would join the investigations. However, they still did not join the investigations and consequently fresh process under Section 82 Cr.P.C was directed to be issued, vide Order dated 08.12.2023, to be executed against the petitioners



herein.

3. Learned counsel for the petitioners submits that petitioners have been in touch with the IO on the telephone via Whatsapp communication and has sent email dated 06.04.2024; letter dated 09.04.2024; email dated 11.04.2024 and letter dated 17.04.2024 requesting him for joining the investigations; however instead of taking any effective steps for investigations, the IO has been pursuing the PO proceedings.

4. Considering that the petitioners are available and are willing to join the PO proceedings, the impugned Order dated 07.11.2023 and 08.12.2023 is hereby set aside with the direction that the petitioners shall join the investigations as and when called by the IO.

5. Petition is disposed of.

NEENA BANSAL KRISHNA, J

SEPTEMBER 19, 2024

va/rk