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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 2994/2023**

SMT. SHRUTI SETH Petitioner
Through: **Mr. Ashwin Vaish, Advocate**

versus

M/S CHARU MOTORS PVT. LTD. Respondent
Through: **Mr. Diwakar Chirania and Mr. Vipin Singhania, Advocates.**

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
07.02.2024

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CRL.M.A. 3982/2024

1. By way of present application, the petitioner seeks early hearing of the petition.
2. For the reasons explained in the application, the same is allowed and the date is preponed for today. Date already fixed i.e. 22.05.2024 stands cancelled.
3. Application is disposed of.

CRL.M.C. 2994/2023

1. By way of present petition filed under Section 438 Cr.P.C., the petitioner seeks setting aside of the order dated 13.04.2023 passed by the learned M.M., North West District, Rohini, New Delhi in Complaint Case No. 11445/2016 whereby petitioner's application seeking recall of the complainant has been dismissed.
2. Mr. Vaish, learned counsel for the petitioner states that right of the



petitioner to cross-examine the complainant has been closed vide earlier order dated 19.03.2021. He has referred to the proceeding sheets to submit that initially cross-examination of the complainant could not be carried out as settlement talks were in progress between the parties, which finds mentioned in the order dated 28.08.2018 onwards.

3. This Court, vide order dated 28.04.2023, while noting the contentions had directed to Trial Court to adjourn the proceedings, which are statedly pending at the stage of the statement of the accused. Considering that the case is still at the stage of statement of accused, interest of justice would be met if the petitioner is granted one opportunity to cross-examine the complainant, however subject to cost of Rs.10,000/- to be paid to the complainant/respondent through a demand draft/electronically within two weeks from today.

4. Petition is disposed of in the above terms.

5. Copy of the order be communicated to the concerned Trial Court.

MANOJ KUMAR OHRI, J

FEBRUARY 7, 2024

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