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

+ **CRL.M.C. 2995/2023**

SMT. SHRUTI SETH & ANR.

..... Petitioners

Through: Mr. Ashwin Vaish, Advocate

versus

M/S CHARU MOTORS PVT. LTD.

..... Respondent

Through: Mr. Vipin Singhania, Advocate

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

08.02.2024

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CRL.M.A. 4134/2024 (early hearing by respondent)

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. 2995/2023

1. By way of present petition filed under Section 482 Cr.P.C., the petitioners seek 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. 11433/2016 whereby petitioners' application seeking recall of the complainant has been dismissed.



2. Mr. Vaish, learned counsel for the petitioners states that right of the petitioners to cross-examine the complainant has been closed vide 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 mention 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 petitioners are 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. Learned counsels for the parties have also expressed that there might be a possibility of settlement. Request, if any, in this regard be made before the trial court.
5. Petition is disposed of in the above terms.
6. Copy of the order be communicated to the concerned Trial Court.

MANOJ KUMAR OHRI, J

FEBRUARY 8, 2024

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