



\$~1

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

+ **CRL.M.C. 2899/2024**

SANDEEP ATTRI

Through: Ms. Sunita Arora, Advocate
(DHCLSC).

.....Petitioner

versus

THE STATE & ORS.

Through: Mr. Hemant Mehla, learned APP for
the State with Insp. Rajpal and ASI
Virender P.s. Bindapur.

.....Respondents

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **05.07.2024**

CRL.M.A. 11072/2024 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The application is accordingly disposed of.

CRL.M.C. 2899/2024

3. A Petition under Section 482 Cr.P.C has been filed for setting aside the Order dated 06.01.2024 in CT Case16686/2020 under Section 200 Cr.P.C.
4. It is submitted that the matter was listed on 06.01.2024 for recording of the pre-summoning evidence of the complainant, but she was admitted in IHBAS from 02.01.2024 till 20.01.2024 as is also evident from the medical record placed on record by the petitioner. It is submitted that non-appearance of the petitioner on 06.01.2024 was on account of her medical



condition. It is, therefore, submitted that the impugned Order dated 06.01.2024 vide which the complaint of the petitioner under Section 200 Cr.P.C was dismissed in default, may be set aside and the Complaint Case may be restored.

5. Submissions heard from the learned Counsel for the petitioner and the respondent.

6. The petitioner has given cogent reasons explaining why she was unable to appear before the Court on 06.01.2024. It has been held in the case of Hindustan Domestic Oil & Gas Co.(Bombay) Limited & Ors. Vs. State & Anr. CrI. M.C.1737/2011 decided on 03.08.2012 that such orders if they do not reflect and take into consideration the merits of the case or the complaint will not require notice to the opposite side when examined in a revision petition.

7. In view of the reasons given, the Dismiss in Default Order dated 06.01.2024 is hereby set aside and the Complaint Case is restored to its original number.

8. The petitioner is directed to appear before the learned M.M. on 15.07.2024.

9. The petition is accordingly disposed of.

NEENA BANSAL KRISHNA, J

JULY 5, 2024/va