



\$~37

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5353/2023&CRL.M.A. 20295/2023**
DHAN PRAKASH GUPTA Petitioner
Through: Mr. Sahil Garg, Advocate.

versus

REKHA MALIK Respondent
Through: Mr. H.S. Gulati, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
02.05.2024

%

1. By way of present petition filed under Section 482 Cr.P.C, the petitioner seeks quashing of the impugned orders dated 02.11.2022, 01.07.2023 and 24.07.2023 wherein the petitioner has been summoned as an accused passed in Complaint Case No.843/2019 titled as Rekha Malik v. Dhan Prakash Gupta passed by learned ACMM (Shahdara), Karkardooma Courts, Delhi vide which the petitioner's right to cross examine the complainant's was closed and an application filed by the petitioner under Section 311 Cr.PC was also dismissed.
2. Learned counsel for the petitioner states that the petitioner needs only one opportunity to cross examine the complainant's witness and further undertakes not to seek any adjournment, in case that opportunity is granted.
3. After some arguments, learned counsel for the respondent fairly does not oppose the petition however prays that the petitioner be burdened with some costs.
4. It is informed that the case is at the stage of final arguments. The petitioner has already undertaken before the Trial Court not to lead any



defence evidence.

5. Considering the aforesaid, one opportunity is granted to the petitioner. The Trial Court shall summon the complainant for one date, on which date the petitioner would carry out the cross-examination.

6. With the aforesaid observations, the petition is allowed, subject to cost of Rs.20,000/- to be paid to the respondent.

7. The petition along with pending applications is disposed of in above terms.

8. A copy of this order be communicated to the concerned Trial Court forthwith.

MANOJ KUMAR OHRI, J

MAY 2, 2024/rd