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

+ **CRL.M.C. 4333/2022 & CRL.M.A. 1014/2024**

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.....Petitioner

Through: Mr. Manohar Lal Sharma and Ms. Suman, Advocates.

versus

STATE OF NCT FOR DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
Mr. Pramod Kumar Dubey, Sr. Advocate along with Mr. Hemant Shah, Mr. Gurpreet Singh, Mr. Pallav Srivastava, Mr. Akshay Rana, Mr. Saurabh Pal and Mr. Vishal Mann, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

15.07.2024

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1. The Petitioner has approached this Court with the following prayers:-

“1. To quash impugned order dt 10.06.2022 in application no. Nil in CIS no. 14585 of 2018 passed by the learned (Siddhartha Malik) CMM (Central), THC, Delhi being illegal, arbitrary, out of jurisdiction and contra to the S.14 of the SC/St Act. in the interest of justice

2. Be pleased to issue direction that petitioner's complaint case CIS no. 14585 of 2018, filed u/s 354, 354A, 354 B, 363, 375 and 376-D, 357, 327, 328, 330, 511 & 34 of I.P.C. & Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 & others, pending before the learned MM court (Selvi Talwar), be tried by the Learned Session Court (special SC/ST Court) at Tis Hazari Delhi u/s 14, 8 & others of the Sc/St Act r.w. IPC in accordance of Law.

3. Be please to provide cost to the petitioner within the



law in the interest of justice. And

4. Pass such other order or further orders, as this Hon'ble court may deem fit and proper under the facts and circumstances of the case."

2. Learned Counsel for the Petitioner states that only a Special Court which has been constituted under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 alone can hear the offences under the Act.
3. Mr. Pramod Kumar Dubey, learned Senior Counsel, on the other hand states that the matter is pending before the learned Metropolitan Magistrate and the proceedings under Section 203 and 204 CrPC will have to take place and if the Magistrate finds that an offence has been committed under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, he would commit the case to the Special Court constituted under the Act.
4. Without making any observation on the merits of the case, learned Metropolitan Magistrate is directed to consider the case in accordance with law and pass orders keeping in mind the provisions under Section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.
5. It is made clear that this Court has not made any observation on the merits of the case.
6. With these observations, the petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

JULY 15, 2024

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