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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2482/2023**
SAKUNTLA DEVI

.....Petitioner
Through: Mr. Abhishek and Mr. Satish K.
Sansi, Advocates.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents
Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Mr. Abhihav Kr. Arya and
Ms. Priyam Agarwal, Advocates for
State.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

% **ORDER**
22.08.2024

CRL. M.A. 25112/2024 (for restoration of the petition)

1. The present application under Section 482 Cr.P.C. and Article 226 of the Constitution of India has been filed on behalf of the petitioner seeking setting aside the order dated 03.07.2024 and to restore the present petition.
2. It is submitted that the petitioner was unable to appear in the Court on the said date.
3. Considering the submissions made, the application is allowed and the petition is restored.

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4. Submissions heard on the main petition.
5. The petitioner's grievance is that it is actually a case under Section 302/34 IPC but the police has intentionally converted it into a case under Section 279/304A IPC as submitted before the learned Metropolitan Magistrate. FIR No. 432/2022 dated 06.01.2022 under Sections 279/304A IPC has been registered in respect to the incident. The investigation is almost complete and chargesheet is likely to be filed soon.
6. The grievance of the petitioner is pre-mature as without investigation being completed as chargesheet filed, the petition cannot be considered. Moreover, whereas the chargesheet is filed before the Court, the petitioner is at liberty to agitate before the concerned court of whether the offence disclosed is under Section 304A IPC or 302 IPC.
7. No intervention is required at this stage by this Court.
8. The petition is accordingly dismissed.

NEENA BANSAL KRISHNA, J

AUGUST 22, 2024/ssc