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

+ **CRL.M.C. 4864/2024 & CRL.M.A. 18479/2024**

KAMRUDDIN

..... Petitioner

Through: Mr. Dheeraj Malhotra with
Mr. Vishal Verma and Mr. Aditya
Chauhan, Advocates.
(M): 9811278000
9999561221
Email: dm@mpartners.in

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Hemant Mehla, APP for the State
with Inspector Ravindra Singh, PS
Tigri.
(M): 9810270050
Email: hmehla@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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24.06.2024

1. The present petition has been filed against the orders dated 18th April, 2024 and 03rd June, 2024 passed by the learned Metropolitan Magistrate (“MM”), South District, Saket Court, Delhi in proceedings emanating from FIR bearing no. 87/2024, registered with the Police Station Tigri, under Section 304B/34 of the Indian Penal Code, 1860.
2. It is pointed out that by order dated 18th April, 2024, Non-Bailable Warrants (“NBW”) have been issued against the petitioner. Further, vide order dated 03rd June, 2024, process under Section 82 of the Code of



Criminal Procedure, 1973 (“Cr.P.C.”) has been issued for a written proclamation requiring the petitioner to appear before the Sessions Courts on a specific date and time. Thus, by way of the present petition, it is prayed that the petitioner be protected from any coercive action and be allowed to join the investigation on the appointed date.

3. Learned counsel appearing for the petitioner relies upon the judgment dated 29th March, 2022 passed in *CRL.M.C. No. 900/2021*, titled as ***Mohd. Imran Versus State (Govt. of NCT of Delhi)*** and judgment dated 07th October, 2021 passed in *CRL.M.C. No. 2514/2020*, titled as ***Rajesh Ebrahimkutty Majidhabeevi Versus State (Govt. of NCT of Delhi) & Anr.***

4. By reference to the aforesaid judgments, it is submitted that the Section 82 Cr.P.C. proceedings cannot continue against the petitioner, as the petitioner is always ready to join the investigation.

5. Issue notice.

6. Notice is accepted by learned APP for the State.

7. Learned APP submits that the application for the anticipatory bail of the petitioner was dismissed as withdrawn on the disclosure that Section 82 proceedings were pending against the petitioner. He further submits that the petitioner ought to have approached the Sessions Court and not approached this Court directly.

8. At this stage, learned counsel appearing for the petitioner submits that the petitioner is willing to join the investigation and that interim protection may be granted to him in this regard.

9. Considering the submissions made before this Court, it is directed that the impugned orders dated 18th April, 2024 issuing Non-Bailable Warrants and order dated 03rd June, 2024 issuing proclamation proceedings under



Section 82 Cr.P.C. against the petitioner, shall remain suspended and kept in abeyance for a period of four weeks, in order to enable the petitioner to approach the Sessions Court and seek appropriate relief.

10. In the meanwhile, subject to any orders passed by the Sessions Court, the petitioner is directed to join the investigation proceedings and cooperate with the investigating agency.

11. With the aforesaid directions, the present petition is disposed of.

**MINI PUSHKARNA
(VACATION JUDGE)**

JUNE 24, 2024

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