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

+ **CRL.M.C. 5211/2022 & CRL.M.A. 20797/2022**

NISHA SINGH

.....Petitioner

Through: Mr. R.K. Tarun, Ms. Aditi
Shivadhatri, Mr. R.R. Bharti, Ms.
Capt. Sebedita Rani, Advocates.

versus

STATE & ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

03.09.2024

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1. The Petitioner has approached this Court assailing the Order dated 29.04.2022 passed by the Ld. SDM, Civil Lines, Delhi in Case No.33/SDM/RA/CL/2021-22/7739-42 purporting to be a preliminary Order passed under Section 145 Cr.P.C.
2. A perusal of the Impugned Order indicates that on a perusal of the petition filed under Section 145 Cr.P.C, the Ld. SDM has come to a conclusion that there is a likelihood of breach of peace.
3. Learned Counsel appearing for the Petitioner has raised several grounds challenging the Impugned Order. He states that the said Order has been passed by the Ld. SDM in the absence of the Petitioner.
4. In view of the above, liberty is granted to the Petitioner to move an appropriate application for vacation of the Impugned Order dated



29.04.2022 before the Ld. SDM raising all the contentions, including the contentions raised in the present petition, including the fact that the Applicant therein had already approached the Civil Court and the Civil Court has dismissed the case of the Applicant, thereby, the Impugned Order cannot be continued and permitted to be sustained.

5. As and when such an application is filed by the Petitioner, the Ld. SDM is directed to dispose of the application within six weeks from the date of the filing of the application in accordance with law.

6. It is made clear that this Court has not made any observation on the merits of the case.

7. With these observations, the petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

SEPTEMBER 3, 2024

S. Zakir