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

+ CRL.M.C. 6037/2022 & CRL.M.A. 23679/2022

SMT SANTOSH MEHTA & ORS.Petitioners
Through: Mr. Arvind Pandey,
Advocate along with
Petitioner No.2 and 3 in
person.

versus

STATE (GOVT OF NCT OF DELHI)
& ORS.Respondents
Through: Mr. Rajkumar, APP for the
State with SI Komal, PS
Subhash Place.
Mr. Harshit Jain, Advocate
from DHCLSC with Mr.
Shubham Singh, Mr. Sajan
Kumar and Mr. Ayush
Garg, Advocates for R-2
also Ms. Khushbu Singhal,
Advocate for R-2 (through
VC).
Mr. Shiv Chopra and Mr.
Siddharth Arora,
Advocates for R-3.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

13.12.2024

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1. The present petition is filed for quashing of FIR No. 479/2017 dated 26.09.2017 registered under Sections 498A/34 of the Indian Penal Code, 1860 ('IPC') at PS Subhash Place including the proceedings emanating therefrom.
2. The learned counsel for the petitioner submits that Petitioner No.1 has since expired and Petitioner Nos. 2 and 3 are the distant relatives, who have nothing to do with the alleged

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offence.

3. He submits that the petitioners had unnecessarily and falsely been implicated by the complainant who had matrimonial acrimony with her husband. He submits that Petitioner No.2 is a senior citizen, suffering from Parkinson's disease and the Petitioner No.3 is a government servant who have been unnecessarily dragged in this litigation.

4. He submits that no allegation has been made against the petitioners so as to warrant the filing of the charge sheet.

5. The learned Additional Public Prosecutor for the State submits that the matter is now fixed for arguments on charge.

6. Concededly, all these arguments can be advanced before the learned Trial Court. It is not disputed that this Court does have the jurisdiction to entertain this petition. However, considering that the investigation is complete which led to the filing of the charge sheet and that the matter is now listed for arguments on charge, this Court finds it apposite to dispose of the present petition with liberty to the petitioners to raise all arguments before the learned Trial Court.

7. Considering that Petitioner Nos. 2 and 3 have never resided with the complainant or with her husband in the matrimonial home and also that Petitioner No. 2 is a senior citizen who is suffering from Parkinson's disease and that Petitioner No. 3 is a Government servant, this Court finds it apposite to exempt Petitioners Nos. 2 and 3 from appearing personally before the learned Trial Court, till the arguments on charge takes place.

8. However, they are directed to appear through video conferencing before the learned Trial Court.

9. The learned Trial Court is also requested to expedite the
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hearing of arguments on charge.

10. The petition stands disposed of with the aforesaid directions. Pending application also stands disposed of.

11. The petitioners are also at liberty to approach this Court in case any grievance remains in the future.

AMIT MAHAJAN, J

DECEMBER 13, 2024

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