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

+ **CRL.M.C. 6013/2024 & CRL.M.A. 22914/2024**

MANOJ RANI AND ORS.

.....Petitioners

Through: Mr. Siddhant Nath, Mr. Bhavishya
Makhija, Advs. with petitioner No.2
in-person.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Utkarsh, APP for the State with
SI Pravesh, P.S.: Mundka.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **05.08.2024**

CRL.M.A. 22915/2024 (exemption)

Exemption granted, subject to just exceptions.

The application stands disposed of.

CRL.M.C. 6013/2024

By way of the present petition filed under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with section 482 of the Criminal Procedure Code 1973 ('Cr.P.C.'), the petitioner impugns order dated 23/24.01.2024, whereby the learned Metropolitan Magistrate has issued summons to the petitioners for the offences under sections 341/440/452/506 read with section 34 of the Indian Penal Code, 1860.

2. At the outset, Mr. Utkarsh, learned APP appearing for the State submits, that the impugned order is amenable to challenge before the learned Sessions Court in its revisional jurisdiction and therefore, this court ought not to exercise its inherent powers under section 482 of Cr.P.C. in the matter.



3. After making some submissions in the matter, Mr. Siddhant Nath, learned counsel appearing for the petitioner seeks leave to withdraw the present petition, with liberty to file a revision petition before the learned Sessions Court, as may be permissible, in accordance with law.
4. However, Mr. Nath draws attention to the judgment of the Supreme Court in *G. Sagar Suri and Another vs. State of U.P. and Others*¹ to submit that there is law to say that regardless of the availability of the remedy under section 397 Cr.P.C., the relief prayed for in this petition does fall within the scope of the inherent powers of this court.
5. Mr. Nath submits, that since it was their *bona-fide* belief that the inherent powers could have been exercised by this court in the present matter, the revision petition that they would now file against the impugned order dated 23.01.2024 may be time-barred.
6. In view of the above, and so as not to render the petitioners remediless, it is observed that if the petitioners move an application seeking condonation of delay in filing the revision petition, the learned Sessions Court would consider the same sympathetically.
7. The petition is disposed-of as withdrawn; without making any observations on the merits of the matter.
8. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

AUGUST 5, 2024/ak

¹ (2000) 2 SCC 636