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

+ **CRL.M.C. 6339/2024**

SH. RAM BABU DUBEY. & ANR.Petitioners
Through: Mr. Sachin Kumar Tokas,
Mr. Jitender, Mr. Nakul
Nagar & Mr. Vaibhav
Dwivedi, Advs.

versus

**THE STATE (GOVT. OF NCT OF
DELHI) & ANR.**Respondents
Through: Ms. Kiran Bairwa, APP
for the State

**CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN**

ORDER
14.08.2024

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CRL.M.A. 24224/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 6339/2024 & CRL.M.A. 24223/2024 (for stay)

3. The present application is filed seeking quashing of FIR No. 55/2021 dated 27.07.2021 for offences under Sections 498A/294/34 of the Indian Penal Code, 1860 ('IPC') and all consequential proceedings arising therefrom.
4. The FIR was registered on a complaint given by Respondent No. 2 alleging cruelty and demand of dowry.
5. The learned counsel for the petitioners submits that the complaint was given for the first time in the month of July, 2021 when the complainant alleged that she was subjected to cruelty on 16.07.2014.



6. The learned counsel for the petitioners submits that the petitioners have unnecessarily been implicated in the present case.

7. He submits that the petitioners are 75 years and 69 years of age respectively and live in Madhya Pradesh.

8. He submits that, in terms of Section 468 of the Code of Criminal Procedure, 1973 (Section 514 of the Bharatiya Nagarik Suraksha Sanhita, 2023), no cognizance can be taken at such a belated stage.

9. He submits that the FIR was registered under Sections 498A/294 of the IPC and the maximum punishment prescribed under Sections 498A and 294 of the IPC is three years and three months respectively.

10. He submits that no cognizance could have been taken by the Police for a complaint at such a belated stage. He submits that since the matter is now listed before the learned Trial Court for arguments on charge, he will take all arguments before the learned Trial Court.

11. He, however, submits that since the petitioners are of old age, they may be exempted from personal appearance before the learned Trial Court.

12. Considering that the matter was transferred by the Hon'ble Apex Court from Madhya Pradesh to the Courts in Delhi and the chargesheet has already been filed. This Court does not consider it apposite to entertain the present petition at this stage.

13. The petitioner is at liberty to take all arguments as taken up in the present petition before the learned Trial Court at the time of arguments on charge. The petitioner is also at liberty to approach this Court in case any grievance remains in future.

14. Considering that the petitioners are of old age, the learned



Trial Court is requested to take a lenient view on an application filed by the petitioners seeking exemption from personal appearance.

15. The petition is dismissed as withdrawn with the aforesaid liberty.

AMIT MAHAJAN, J

AUGUST 14, 2024
“SS”