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

+ CRL.M.C. 7495/2024 & CRL.M.As. 28586/2024, 28587/2024

ADITYA MISHRA & ORS.

.....Petitioners

Through: Mr. Mayank Goel & Ms. Diganta
Das, Advocates.

versus

RANVIR SINGH GARG

.....Respondent

Through: None.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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23.09.2024

1. The present Petition under Article 227 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioner seeking to quash the Summoning Order dated 17.02.2024 passed in CT Case No. 1685/2023 *vide* which the petitioners have been summoned for the offence punishable under Section 499 read with Section 500 of the Indian Penal Code, 1860 and the subsequent Order dated 23.08.2024 passed in CT Case No. 1685/2023, whereby it has been held that the *prima facie* case is made out and the Notice/Charge is required to be framed under Sections 500/34 of the Indian Penal Code, 1860 against the petitioners herein.

2. Learned counsel for the petitioners submits that there is a patent illegality inasmuch as the Complaint Case under Sections 500/34 of the Indian Penal Code, 1860, no Order on Charge is mandated under law.

3. Though the Order dated 23.08.2024 has been passed by the learned Metropolitan Magistrate for framing of Notice under Sections 500/34 of the



Indian Penal Code, 1860 against the petitioners/accused persons but herein essentially, the Summoning Order dated 17.02.2024 has been challenged, for which there is an alternate efficacious remedy available with the petitioners to file the revision before the learned Additional Sessions Judge against the Summoning Order dated 17.02.2024.

4. In view of above, the present petition along with the pending applications is disposed with liberty to the petitioners to pursue his remedy before the learned Additional Sessions Judge by way of revision.

NEENA BANSAL KRISHNA, J

SEPTEMBER 23, 2024

S.Sharma