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

+ **CRL.M.C. 8108/2024, CRL.M.A. 31028/2024**

RAVINDER BHARDWAJ AND ORS

.....Petitioners

Through: Mr.G.D.Sharma, adv.

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms.Kiran Bairwa, APP for the State
SI Deependra, PS Sagarpur

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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15.10.2024

CRL.M.A. 31026-27/2024 (exemption)

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

CRL.M.C. 8108/2024 & CRL.M.A. 31028/2024

The present Petition has been filed under section 528 BNSS seeking quashing of FIR No.348/2019 u/s 498A/34 IPC, PS. Sagarpur.

At the outset, learned counsel for the petitioner submits that, as per the orders dated 19.12.2023 and 08.01.2024 passed by the learned Metropolitan Magistrate (Mahila Court-02), Patiala House Court, New Delhi, the delay in filing the charge-sheet was condoned without giving any notice to the proposed accused persons. Learned counsel for the petitioners submits that a limitation is duly prescribed under Section 468 Cr.P.C. It has been submitted that this limitation creates a vested right in favor of the party against whom the proceedings are to be initiated. Counsel further submits



that the order of the learned M.M., having condoned the delay without issuing notice, suffers from serious legal infirmity.

Issue notice. Learned APP has accepted the notice.

Learned APP has fairly submitted that the learned M.M. should have issued notice to the respondents for a hearing on the condonation of delay before taking cognizance and issuing summons to the accused persons.

In view of the submissions made, the orders dated 19.12.2023 and 08.01.2024 are set aside. The matter is remanded back to the learned trial court. The learned Metropolitan Magistrate (Mahila Court-02), Patiala House Court, New Delhi shall issue notice to the proposed accused persons in the charge-sheet arising out of FIR No. 348 dated 02.08.2019, registered under Sections 498A/34 IPC at PS Sagarpur, and shall pass an appropriate order after giving the parties the opportunity to be heard in accordance with the law.

With these observations, the petition along with pending application stands disposed of.

DINESH KUMAR SHARMA, J

OCTOBER 15, 2024

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