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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 9381/2024, CRL.M.A. 35978/2024, CRL.M.A. 35979/2024, CRL.M.A. 35980/2024, CRL.M.A. 35981/2024

MANSI KHANNA RAWLLEY

.....Petitioner

Through: Mr. Pradeep Norula and Mr. Krishna Kumar, Advocates.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP for State with SI Lokendra, P.S. Malviya Nagar.
Mr. Arman Sharma, Ms. Shimpi Sharma and Mr. Vikas Maini, Advocates for respondent No.2 with parents of respondent No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

02.12.2024

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1. The present petition has been instituted by the petitioner assailing the order dated 26.10.2024 passed by Ld. JMFC, Mahila Court, Saket, New Delhi vide which the respondent No.2 has been permitted to travel abroad.
2. The petitioner is aggrieved by the fact that Trial Court has not ensured the physical presence of respondent No.2 as well as by the non-imposition of any condition while permitting the respondent No.2 to travel abroad. Pertinently, the dispute is on account of matrimonial dispute. A perusal of the paper book would show that respondent No.2 had earlier approached this Court vide CRL.M.C. 5871/2024 seeking Police Clearance Certificate that was declined to him by the Ld. Judicial Magistrate vide order dated 29.07.2024. On 01.08.2024, this Court after noting the submissions



including the opposition from the Ld. APP for the State that respondent No.2 was not appearing before the Trial Court, passed following directions :-

“4. It has been pointed out that if the PCC is not granted, the petitioner cannot travel on his interim Visa to India because it specifically provides that once he leaves New Zealand, he would not be able to enter the country again .

5. The PCC be issued to the respondent on furnishing the undertaking that he shall appear before the learned Trial Court and the Apostille Affidavit within 7 days.”

3. Respondent No.2 thereafter appeared before the Trial Court, which, considering that he was charge-sheeted without arrest, released him on bail with the condition that he would deposit FD of Rs.5 lacs and the same indisputably stands deposited. Respondent No.2 was further permitted to join the proceedings through V.C. unless specifically required. Further direction was given that respondent No.2 will appear in person as and when Court directs.

4. Ld. counsel for respondent No.2, on instructions from the parents of respondent No.2, states that respondent No.2 undertakes to appear in Court as and when the Trial Court directs him to do so. The undertaking is accepted and the respondent is made bound by the same.

5. With the aforesaid, no further orders are required to be passed in the present petition and the same is disposed of alongwith pending applications.

MANOJ KUMAR OHRI, J

DECEMBER 2, 2024/ga