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

+ **CRL.M.C. 2409/2017&CRL.M.A. 20011/2022**

BEENA DEVI

.....Petitioner

Through: Mr. Puneet Mittal, Sr. Adv. with Mr.
Rupendra Pratap Singh, Ms. Sakshi &
Mr. Abhishek, Advs.

versus

THE STATE & ORS

.....Respondents

Through: Mr. Pradeep Gahalot, APP for the
State with Ms. Upasna Kamra, Mr.
Atul Singh, Mr. Brajesh, Mr.
Inderdeep Singh Arora, Advs.
Mr. Praveen Kumar, Adv. for R-6 to 9
Mr. Mohit Batra, Adv. for R-2 to 5

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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18.07.2024

1. This petition is filed in the context of the facts that in March 2008 Smt. Rinku was found dead on railway tracks. Complainant being Sh. Sham Lal, father of the deceased, lodged complaint but no action was taken by the police, therefore, he filed an application under Section 156 (3) Cr.P.C. which was dismissed by the Metropolitan Magistrate in April 2010. Revision against the same was preferred by the complainant (now deceased) in November 2014 which was also dismissed by the concerned Metropolitan Magistrate. Complaint filed under Section 200 Cr.P.C. was proceeded ahead with.

2. In November 2014, a revision was preferred against order of the Metropolitan Magistrate, however the revisionist died during the pendency



of the revision petition. An application for substitution was filed by the legal representative i.e. wife of complainant which was dismissed and is impugned herein.

3. In this regard, attention is drawn to judgment of Supreme Court in ***Chand Devi Daga & Ors. v. Manju K. Humatani & Ors.*** (2018) 1 SCC 71 where similar issue arose and traversing the law, the Supreme Court stated that there was no error in allowing legal heirs of complainant to prosecute the petitions on behalf of the deceased complainant.

4. The Court has perused the judgment and is inclined to allow the petition. There is an application CRL.M.A. 20011/2022 filed by the daughter of the deceased complainant, also praying for substitution.

5. In the facts and circumstances, the application is allowed and mother being Beena Devi and daughter being Rashmi Gupta @ Renu are allowed to impleaded as revisionists in Cr. No. 15/2015 (new number being Cr. No.58215/2016).

6. The revision petition be considered on its own merits.

7. It is made clear that this Court has not passed any observations on the merits of the case.

8. The present petition stands disposed of with these directions along with pending application, if any.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 18, 2024/sm