

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**C.R.R. 4772 of 2023
(Assigned)**

**Krishna Bernwal
-Vs-
State of Haryana and Punjab & Anr.**

For the Petitioner : Mr. Dibyendu Nandi

For the Opposite Party No.2 : Mr. Rudra Prasad Matilal
Mr. Subham Banerjee

Heard on : 09.05.2025, 01.08.2024

Judgment on : 14.05.2025

Ananya Bandyopadhyay, J.:-

1. The instant revisional application had been filed by the petitioner praying for quashing of the proceedings of the CIS No. DV/198/2016 titled Neha Gupta vs. Shekhar Gupta and Ors. under Section 12 of the Protection of Women from Domestic Violence Act, 2005 and the order of summon dated 23rd December, 2016 and the order dated 22.11.2018 passed by the Learned Additional Sessions Judge, Gurugram in Criminal Appeal No. 24 dated 05.03.2018, CIS No. CRA 96/2018 and consequent proceedings and stay of the ongoing further proceedings pending before the Learned Civil Judge (Junior Division), Gurugram.

2. The Hon'ble Supreme Court in disposing of Transfer Petition (Civil) Nos.2240-2241/2022 on 04.10.2023, *inter alia*, observed as follows:-

“(g) CRM-M No.19139 of 2019 (titled as ‘Krishna Barnwal vs. State of Haryana & Anr.’), which is pending before the High Court of Punjab and Haryana at Chandigarh is ordered to be transferred to the High Court at Calcutta.”

3. It was further observed by the Hon'ble Supreme Court as follows:-

“(i) We grant exemption from personal appearance to respondent-Krishna Barnwal in the proceedings transferred hereinabove. He shall be at liberty to appear through virtual mode save and except when his presence is mandatorily required.”

4. Accordingly, the instant criminal revision was transferred to this Hon'ble Court.

5. The petitioner, Krishna Barnwal, had filed a petition under Section 482 of the Code of Criminal Procedure seeking quashing of the summoning order dated 23.12.2016 passed by the Illaqua Magistrate, Gurgaon in CIS No. DV/198/2016 titled "Neha Gupta vs. Shekhar Gupta and others," as well as the appellate order dated 22.11.2018 passed by the Additional Sessions Judge, Gurugram in CIS No. CRA/96/2018 titled "Krishna Barnwal vs. State of Haryana and others." The proceedings originated from a complaint dated 30.11.2016 filed by Neha Gupta under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

6. The petition disclosed Neha Gupta, the respondent married Shekhar Gupta, the son of the petitioner, on 17.02.2009. Prior to the marriage, it was decided that the couple would reside in Delhi-NCR region for a few years to pursue professional commitments before relocating to Jhumri Telaiya to

continue discharging family responsibilities. Subsequent to their marriage, the couple began residing in Gurgaon, and in 2010, a residential property was purchased in their joint names. The petitioner stated that his son, Shekhar Gupta entirely contributed the petitioner including a loan taken with monetary support from the petitioner and his wife.

7. The petition further outlined respondent/wife pursued additional academic qualifications with encouragement from her husband Shekhar Gupta. In 2011, she went to her parental home and did not return. Subsequently, a petition for restitution of conjugal rights was filed and later withdrawn after Supreme Court Mediation. The couple resumed cohabitation, and on 15.04.2015, a child was born. The petition mentioned the petitioner's wife went to Gurgaon to support the respondent/wife during the postnatal period. According to the petition, a dispute arose between respondent and the petitioner's wife on 04.05.2015, following which the latter returned to Jharkhand. The petitioner noted that following this period, access to the grandchild was restricted and only two brief visits occasioned in November and December 2017.
8. It was submitted in the petition that the petitioner, Krishna Barnwal, did not reside in a shared household with the complainant and only visited his son's residence occasionally. He denied having a domestic relationship with respondent. He further stated that from 2015 onwards, he suffered from a range of undiagnosed medical issues, which were eventually identified as symptoms of depression. The petition noted that the petitioner experienced some improvement in his condition only after brief visits by his grandson in

late 2017. Medical records reflecting his health condition had been annexed as Annexure P/4 (Colly.).

9. The petition described that the complaint filed by respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005, did not specifically accurate and distinct allegations against the petitioner. The summoning order dated 23.12.2016 (Annexure P/1) was issued without reasons and merely recorded the receipt of a Protection Officer's report and issuance of notice. The petitioner contended the order did not contain individual assessment or justification for summoning the respondents named in the complaint.
10. The petitioner claimed that he received the summoning order in January 2017. Due to his medical condition and associated physical and mental challenges, he was unable to file an appeal immediately. An application for condonation of delay was subsequently filed before the Additional Sessions Judge, Gurugram, but was dismissed by order dated 22.11.2018 (Annexure P/2). The appellate court held that the delay of 436 days had not been adequately explained and were not justified, concluding that medical illness alone was insufficient grounds to condone the delay.
11. The petition highlighted Neha Gupta and Shekhar Gupta to have resumed cohabitation after mediation, and the petitioner's wife had briefly stayed in Gurgaon only for the purpose of assisting with postnatal care. Thereafter, the petitioner and his wife remained in Jharkhand. The petitioner asserted that he had never lived in a shared household with the complainant and

had not been involved in the events forming the subject matter of the complaint.

12. Additionally, the petitioner referred to the judgment in *Rajnish v. Neha*, where the Hon'ble Supreme Court laid down procedural safeguards in maintenance and domestic violence matters, including financial disclosures and fair adjudication. While acknowledging that the facts in *Rajnish v. Neha* differed from the present case, the petitioner invoked the judgment to highlight the importance of fairness and procedural diligence in adjudicating complaints under the Protection of Women from Domestic Violence Act.
13. Reliance had been placed on *State of Haryana v. Bhajan Lal* AIR 1992 SC 604, where the Supreme Court enumerated illustrative circumstances under which the court may exercise its inherent powers to prevent abuse of process or to secure the ends of justice. The Learned Advocate for the petitioner contended that their cases fell within the framework of such exceptional circumstances and sought for quashing of the impugned orders accordingly.
14. The proceedings in CIS No. DV/198/2016 titled Neha Gupta vs. Shekhar Gupta and Others originated from an application filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005, by the complainant Neha Gupta, wife of Shekhar Gupta and daughter of Arun Kumar Gupta, resident of Tower No. 14Q, No. 401, Valley View Estate, Gurgaon. The complainant had approached the Illaqua Magistrate at Gurgaon seeking protection orders, residence orders, and monetary reliefs under Sections 18, 19, 20, 21, 22, and 23 of the Act against her husband

Shekhar Gupta, her mother-in-law Smt. Gayatri Barnwal, and her father-in-law Shri Krishna Barnwal. The complaint outlined events and circumstances arising after her marriage to Shekhar Gupta, which was solemnised on 17.02.2009 at Ranisati Dharamshala, Jhumri Telaiya, Jharkhand, and related to various alleged incidents of cruelty and mistreatment.

15. It had been stated in the application that prior to the marriage, a ring ceremony was conducted on 06.08.2008 at Raja Resort Hotel, Asansol, West Bengal. The marriage was performed according to Hindu rites and ceremonies. The complainant asserted that the marriage entailed significant financial expenditure, allegedly amounting to approximately ₹15,00,000/- by her parents. The complainant alleged despite these efforts, dissatisfaction was expressed by the respondents regarding the dowry and material contributions made during the ceremonies. After marriage, the complainant resided with her husband in a rented accommodation in Gurgaon, and it was during this period that the alleged acts of physical, verbal, and economic abuse commenced. She claimed to have tolerated the same initially in the hope that circumstances would improve.
16. The complainant contended that she was regularly subjected to taunts and assault by her husband and was also harassed by her in-laws. She urged that her husband would often take away her electronic devices, including her mobile phone and laptop, and would use abusive language while under the influence of alcohol. She further stated that the acts of cruelty extended beyond verbal and physical abuse to encompass mental torture through

restriction of access to finances and exclusion from household decisions. The complainant disclosed such activities to her mother-in-law, Smt. Gayatri Baranwal, who instead of reconciling her grievances dismissed them and allegedly justified the behaviour of the husband by referring to societal expectations of a daughter-in-law.

17. The complainant had also narrated during her pregnancy in 2014, she was allegedly harassed for not meeting certain financial demands linked to the gender of the unborn child and she was subjected to torture leading to a caesarean delivery. Post-delivery, the complainant prevented to breastfeed her child and was further alienated from the newborn by her in-laws. The respondents, without her consent or adequate notice, arranged for a tatkal railway reservation from Gaya to Howrah in 2011 as part of a purported attempt to get rid of her in a calculated manner to isolate her and subject her to distress.
18. Further reference was drawn in the petition to blank documents allegedly signed by the complainant under the pretext of being required for income tax purposes, the nature and use of which remained unknown to her. The complainant also stated that she was excluded from the operation and details of her husband's financial assets, including bank accounts and salary statements. The respondent-husband failed to provide for her and the child's basic needs.
19. The complainant had described multiple occasions where she approached the local police, including on 04.05.2015 and 24.06.2015, and submitted although initial assurances of improved behaviour were made by the

respondents, the alleged abusive conduct resumed thereafter. It was also stated that an incident on 02.06.2014 involved physical assault which was unprovoked and linked to a purported demand for money. The complainant asserted of repeated instances of misbehaviour and threats of being dispossessed from the shared household property and of alienation of the same without her consent.

20. The complainant further contended she was compelled to relocate permanently to Jhumri Telaiya, which she declined due to her professional commitment and maternity leave at that time. It is her submission that all her dowry articles and *stridhan* had been retained by the respondents at Jhumri Telaiya, compulsively she refrained from living there due to fear of her safety and concern regarding potential separation from her minor child.
21. She further stated that her husband, Shekhar Gupta, had been gainfully employed and was previously associated with Aviva Life Insurance as Associate Vice President (Operations) drawing approximately Rs.1,00,000/- per month and was currently the Director of Krishna Surya Cold Storage Pvt. Ltd., drawing a salary of Rs.6,00,000/- per month. The complainant contended that he had no financial obligations other than the applicant and their minor son despite which he wilfully neglected his legal and moral duty to maintain them.
22. Institution and pendency of matrimonial litigation proceedings ahd been referred to. The husband Shekhar Gupta had instituted a petition under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Family Court, Gurgaon, to which the complainant responded by

filing a transfer application in the Supreme Court. A mediated settlement was reached in the Supreme Court Mediation Centre, pursuant to which the parties resumed cohabitation. However, the complainant submitted that the terms of this settlement were not honoured and that the abusive conduct resumed thereafter. A pre-litigation mediation proceeding was also initiated by Shekhar Gupta before the Mediation Centre, Delhi High Court, which was dismissed.

23. The complainant prayed for various reliefs under the Domestic Violence Act, including a protection order under Section 18 restraining the respondents from committing acts of domestic violence and from entering her residence or contacting her or her relatives. A residence order was sought under Section 19 to prevent alienation of the shared household property and to provide alternate accommodation or rental expenses. Monetary relief was sought under Section 20 in the form of Rs.1,00,000/- as compensation for mental harassment and monthly maintenance of Rs.2,00,000/- for herself and her child. Interim relief was prayed for under Section 23 of the Act.
24. The complaint had been verified by the complainant Neha Gupta and was supported by an affidavit dated 30.11.2016. An accompanying application for interim relief under Section 19 read with Section 23 of the Act, supported by a separate affidavit under Section 23(2), reiterated the urgency of relief sought on the ground of continued apprehension of violence and lack of financial means. The complainant averred currently she had been unemployed and that the respondents were attempting to dispossess her

from the shared household. She stated that efforts by her and her family members to resolve the matter amicably had not yielded any result.

25. The complainant had submitted that the facts disclosed in the petition and supporting materials entitled her to the reliefs sought under the Domestic Violence Act, 2005, and had prayed for appropriate directions to protect her and her minor child, including restraint orders against alienation of the shared property and provision for maintenance and accommodation.
26. Subsequent to the order of the Hon'ble Supreme Court, the case records of CRM-M No.19139 of 2019 (titled as 'Krishna Bernwal vs. State of Haryana & Anr.') had been transferred to this Hon'ble Court for disposal.
27. The Learned Advocate representing the petitioner submitted that:-
 - i. The petitioner was the father-in-law of Respondent No. 2, Neha Gupta, who filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, before the Ld. CJM-1, Asansol, West Bengal, registered as Misc. Case No. 671/23. The marriage between Neha Gupta and the petitioner's son, Shekhar Gupta, took place on 17.02.2009 at Ranisati Dharamshala, Jhumri Tilaiya, Jharkhand. The couple had a minor son, Aryan Gupta, aged approximately 9 years.
 - ii. It had been the petitioner's claim that Neha Gupta moved to Gurugram, Haryana shortly after the marriage, where she resided with her husband, while the petitioner remained at his permanent address in Jhumri Tilaiya. According to the petitioner, due to strained relations between the couple, he never visited them in

Gurugram, and Neha Gupta only came to his residence 4–5 times over 16 years for short visits. He asserted that no instance of shared residence or domestic relationship, as defined under the PWDV Act, ever arose between himself and respondent No. 2.

- iii. The complaint filed by Neha Gupta led to the issuance of summons against the petitioner on 23.12.2016 by Ms. Jyoti Mehra, Ld. Civil Judge, Gurugram. These were received by the petitioner in January 2017. Owing to his health condition and residence in Jharkhand, the petitioner filed a delayed appeal along with an application for condonation of delay on 05.03.2018, being Cr. Appeal No. 24/18, which was dismissed by Ms. Suruchi Atreja Singh, Ld. ASJ, Gurugram, on 22.11.2018.
- iv. The petitioner had relied on the absence of any specific allegations of domestic violence in the DV Complaint and on the fact that the complaint did not aver that the petitioner and Respondent No. 2 ever lived together in a shared household. He cited paragraph 14 of the DV Complaint where Neha Gupta herself stated she was unable to live at Jhumri Tilaiya due to her job and maternity leave, and that she feared for her safety if she had been relocated. This, according to the petitioner, negated any claim of shared residence. He further contended that the Gurugram address mentioned in the memo of parties was only for service of notice, while Neha Gupta had later stated in Transfer Petition (Crim.) No. 434 of 2022 before the Hon'ble Supreme Court that the petitioner was a permanent

resident of Jhumri Tilaiya. The Hon'ble Supreme Court transferred the matter from the Hon'ble High Court of Punjab and Haryana to the Hon'ble High Court at Calcutta by order dated 04.10.2023.

- v. In support of his arguments, the petitioner referred to the judgment of the Hon'ble Supreme Court in *Rajnesh v. Neha & Anr.*, (2021) 2 SCC 334. Specifically, the petitioner relies on Part B(I)(e) of the judgment, which stated that "living of the woman in a household must refer to a living which has some permanency. Mere fleeting or casual living at different places would not make it a shared household." He argued that neither the facts pleaded in the DV Complaint nor the subsequent conduct of the parties indicated any such permanency or intention to live together under the same roof.
- vi. The petitioner further submitted that the order dated 22.11.2018 failed to consider his age, the difficulties in travel from Jharkhand to Haryana, and the medical records he had placed on record. He stated that the appeal was dismissed purely on technical grounds, without taking into account the substantive circumstances presented in support of the delay. The present petition under Section 482 Cr.P.C. sought for quashing both the summoning order and the dismissal of the appeal, on the ground that no cause of action lied against him in the absence of shared residence or specific allegations.

28. The Learned Advocate representing the respondent submitted that:-

- i. The marriage between Neha Gupta and Shekhar Gupta, son of the petitioner, took place on 17.02.2009. The couple began residing in Gurugram, Haryana, from March 2009 and lived there until 13.02.2011. During this period, the petitioner and other in-laws visited them in Gurugram approximately twice a year, and the couple visited the petitioner at his residence in Jhumri Tilaiya, Jharkhand, similarly twice a year, including a regular visit during Diwali. In November–December 2010, the respondent stayed in Jhumri Tilaiya for two months. At that time, the petitioner stated before a local panchayat that the respondent did not conform to the family's practices.
- ii. On 13.02.2011, the respondent was sent back to her parental home in Asansol. According to her, the ticket for travel was arranged via Gaya through the petitioner's maternal uncle. Subsequently, a petition under Section 9 of the Hindu Marriage Act was filed by Shekhar Gupta in April 2011, but service of summons was effected only in 2012. The respondent filed a Transfer Petition before the Hon'ble Supreme Court, and through mediation, the parties resumed cohabitation from 09.02.2013. They remained together in Gurugram until 30.12.2015.
- iii. A son, Ayan Gupta, was born on 15.04.2015. During this period, the respondent alleges that there were financial demands and interference by the petitioner and other in-laws. She states that her husband resigned from his position as Associate Vice President

at AVIVA Life Insurance in August 2015 shortly after a visit to Jhumri Tilaiya. Thereafter, she claims that he relocated to Jhumri Tilaiya and did not return. From December 2015 to December 2020, the respondent resided in Gurugram with her son.

- iv. In June 2020, the respondent alleges an incident where her husband attempted to harm her, following which she moved to her parental home in Asansol. She also referred to various instances of alleged interference in the use of household resources, which led her to secure utilities in her own name. The electricity connection was disconnected in February 2016 due to non-payment, and she sought assistance from her sister.
- v. The Gurugram flat, which was jointly owned by the respondent and her husband, became a point of concern when she alleged that attempts were made to sell it unilaterally. She claimed that she had contributed Rs.10 lakhs towards its purchase and that the petitioner had obtained her signature on blank documents under the pretext of filing income tax returns.
- vi. The respondent stated that these circumstances compelled her to file **CIS No. DV 198/2016 titled *Neha Gupta vs. Shekhar Gupta and others*** under Section 12 of the Domestic Violence Act before the learned Magistrate at Gurugram. The summons was issued on 23.12.2016.
- vii. The petitioner filed **CRR No. 4772 of 2023** seeking to quash the summoning order dated 23.12.2016 and the appellate order dated

22.11.2018 passed in **CIS No. CRA/96/2018 titled *Krishna Barnwal vs. State of Haryana and others***, wherein the appeal had been dismissed due to a delay of 436 days. The respondent objected to the condonation of this delay, stating that all medical reports relied upon by the petitioner were from 2017 onwards, and none related to the relevant period of 2015–2016. The respondent also stated these reports mention conditions such as weakness and loose motions and did not prevent the petitioner from undertaking travel, as he is said to have visited Kolkata and taken trips to Chennai, Trivandrum, and Hyderabad during the same period. Affidavits filed in support of the condonation were affirmed in Jharkhand, and not in Gurugram, where the proceedings were pending.

- viii. The respondent further noted that her husband, Shekhar Gupta, held the position of Associate Vice President at AVIVA Life Insurance and was also a director at Krishna Surya Cold Storage, along with the petitioner, from 2003 onwards. She alleged that he owned immovable properties and earned rental income, but in court proceedings, he declared his monthly income to be as low as ₹4500 and later Rs.11000, allegedly to avoid maintenance obligations. The respondent attributed these actions to the influence of the petitioner.
- ix. The Judicial Magistrate had initially granted interim maintenance to Neha Gupta for her minor son, Ayan Gupta, amounting to

Rs.8000 per month towards school fees, Rs.6000 towards day care expenses, and Rs.3000 for general maintenance, totalling Rs.17,000 per month. Following this, an appeal was filed by Shekhar Gupta, the husband of the respondent and son of the petitioner, before the Learned Additional Sessions Judge, Gurugram, where the amount was reduced to Rs.11,000 per month. A subsequent appeal was filed before the Hon'ble High Court of Punjab and Haryana, which dismissed the same without issuing notice to respondent No. 2.

- x. The present criminal revisional application challenged the dismissal order dated 22.11.2018 passed by the Learned Additional Sessions Judge, Gurugram, in **Appeal CIS No. CRA/96/2018 titled *Krishna Barnwal vs. State of Haryana and Others***. The said appeal was filed against the summoning order dated 23.12.2016 issued by the Illaqua Magistrate, Gurugram, in **CIS No. DV 198/2016 titled *Neha Gupta vs. Shekhar Gupta and Others***. The delay in preferring the appeal under Section 29 of the Act was 436 days. According to the records, the petitioner Krishna Barnwal was served with summons in January 2017. However, all medical documents submitted in support of the delay were dated only from June 2017 onwards, beginning with the report of Dr. Ranjan Kumar dated 19.06.2017, which mentioned general conditions such as weakness and restlessness. Additional reports dated 23.08.2017 and 24.08.2017

referred to minor health concerns including fatigue, nausea, and fever. No documents had been placed on record for the year 2015 or 2016.

- xi. It was submitted that the affidavit in support of the condonation application was affirmed on 05.03.2018 at Kodarma district, Jharkhand, which included the town of Jhumri Tilaiya where the petitioner resided. It was noted that the petitioner did not travel to Gurugram for the purpose of filing the appeal or the condonation application, and no explanation was provided for the period from January to May 2017 during which the appeal could have been filed.
- xii. Further, reference was made to decisions of the Hon'ble Supreme Court in *Pathapati Subba Reddy (Died) by L.R.s & Ors. v. Special Deputy Collector (LA)*, 2024 SCC OnLine SC 513, and *Union of India & Ors. v. Jahangir Byramji Jeejeebhoy*, 2024 SCC OnLine SC 489, including citation of principles laid down in *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy*, (2013) 12 SCC 649, which addressed the approach to delay condonation. These decisions were cited to indicate that the delay in this instance did not meet the threshold for condonation based on the facts presented.
- xiii. Additionally, it was noted that the petitioner's application under Section 482 of the Code of Criminal Procedure is premature, as there was no final order passed under Sections 18, 19, 20, 21, 22,

23, or 31 of the Domestic Violence Act that could attract the inherent jurisdiction of the High Court. The decision of the Hon'ble High Court of Madhya Pradesh in *Ankit Gehlot & Others vs. Smt. Anjali* (M.C.C. No. 52034 of 2022) was cited, where it was held that proceedings under the Act could not be challenged under Section 482 Cr.P.C. in the absence of a final order.

29. The complaint filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005 by the opposite party no.2 demonstrated marital and familial discord of allegations of torture and ill-treatment. Throughout the genesis of the complaint, the opposite party/wife did not describe any overt act specific to the petitioner to have tortured the opposite party no.2 apart from general and omnibus allegations to implicate the petitioner. The statements and the averments as cited above revealed that the petitioner/father-in-law and the opposite party/wife being the daughter-in-law did not share the household for a continuous period of time.
30. Differences or instances that have been cited did not reveal the opposite party/wife to have been individually tortured or abused by the father-in-law apart from evasive mentioning to have been subjected to certain incidents which should not necessarily be the reason whereby there have been a deliberate and premeditated effort on the part of the petitioner to drive out the opposite party no.2 from the matrimonial home. There had been series of litigations, cases and counter cases against each other. Mediation by the Hon'ble Supreme Court too did not eventually fructify.

31. The Additional Sessions Judge, Gurugram, in deciding Criminal Appeal No.24 dated 05.03.2018 should have been cautious, judicious and more diligent in assessing the role of the petitioner in view of the averments in the complaint filed by the petitioner. Reference to the Supreme Court judgments holds good pragmatically to the cases of more severity contrary to the instant case where the dispute appeared to be negotiable between the parties in view of the chequered history which should not have dragged father-in-law to face the trial unnecessarily to his detriment in view of the proclivity prevalent at present times to incriminate the in-laws in cases to harass them and create prejudice.
32. The complainant/opposite party-wife admittedly stayed at Gurgaon after marriage when the petitioner/father-in-law stayed in Jharkhand. Thereafter, disputes between the parties became rampant. Main allegations was directed towards the husband of intoxication, neglect to maintain the opposite party/wife and her child being financially equipped.
33. In *State of Haryana and Others v. Bhajan Lal and Others* 1992 SCC(Cri) 426 and other pronouncements by the Hon'ble Apex Court it would not be proper to subject the aged petitioner being the father-in-law to participate in the trial. The Trial Courts should have judiciously considered the fact that the petitioner and the opposite party/wife in accordance to her own admission in the averments of the complaint did not live in the shared household for a continuous period of time to fall within the category of a domestic relationship. Accordingly the proceedings filed against the present petitioner be quashed. The order dated 23rd December, 2016 and order

dated 22.11.2018 are set aside against the present petitioner in exclusion of the others.

34. In view of the above discussions, the proceedings of the order dated 22.11.2018 passed by the Learned Additional Sessions Judge, Gurugram in Criminal Appeal No. 24 dated 05.03.2018, CIS No. CRA 96/2018 is quashed to the extent of the present petitioner.
35. Under such facts and circumstances, the instant criminal revisional application being CRR 4772 of 2023 is allowed.
36. Accordingly, CRR 4772 of 2023 is disposed of.
37. There is no order as to costs.
38. Case Diary, if any, to be returned forthwith.
39. Let the copy of this judgment be sent to the Learned Trial Court as well as the police station concerned for necessary information and compliance.
40. All parties shall act on the server copy of this judgment duly downloaded from the official website of this court.

(Ananya Bandyopadhyay, J.)