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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 143/2025 & CRL.M.A. 805/2025, CRL.M.A. 806/2025
SABIYA KHAN@SABBOPetitioner
Through: Mr. Sulaiman Mohd. Khan, Ms. Taiba Khan, Ms. Bhanu Malhotra and Mr. Abdul Bari, Advocates.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent
Through: Mr. Sunil Kumar Gautam, APP with SI Komal Shakya, PS: Tughlak Road.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
14.01.2025

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1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973¹ read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 impugns order dated 15th April, 2015 passed by the Metropolitan Magistrate, Patiala House Court in case arising out of FIR No. 59/2011 under Section 498A/406/34 of the Indian Penal Code, 1860² registered at Police Station Tughlak Road. Through the said order, the Petitioner has been declared as an absconder under Section 82 of Cr.P.C.
2. Counsel for Petitioner submits that the impugned order is legally unsustainable as summons were never served on the Petitioner nor did she have any knowledge about the instant case. Further, the Petitioner has not

¹ "Cr.P.C."

² "IPC"



been named as an accused in any of the offences mentioned under Section 82(4) of Cr.P.C. and thus, could not have been declared as an “absconder”. At the highest, Petitioner could have been declared as a “proclaimed person”, that too, on the satisfaction of the Trial Court that there was a reason to believe that Petitioner was deliberately evading arrest.

3. The afore-noted legal proposition canvassed by the Petitioner is not in dispute by the State.

4. In light of the foregoing, the declaration of the Petitioner as “absconder” through order dated 15th April, 2015, is set aside. Consequently, orders issued under Section 82 of Cr.P.C. proceedings including orders dated 24th February, 2014, 21st April, 2015 and 30th June, 2014 issued by the Trial Court are also quashed.

5. It is directed that Petitioner shall appear before the Trial Court on the date fixed that is, 07th February, 2025 and shall continue to appear before the Trial Court on every date that is fixed.

6. With the above directions, the present petition, along with pending applications, is disposed of.

SANJEEV NARULA, J

JANUARY 14, 2025

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