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

+ **CRL.M.C. 530/2025 & CRL.M.A. 2595/2025**

IRFAN LABEL

.....Petitioner

Through: Mr. S. C. Sagar and Mr. Naeem
Ahmed, Advocates

versus

MUSARRAT ALI

.....Respondent

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **28.01.2025**

CRL.M.A. 2596/2025 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 530/2025

3. This petition has been filed under Section 528/351(1)/353(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') read with Section 482/313(B)/315(1) of the Code of Civil Procedure, 1973 seeking setting aside of the impugned order dated 20.01.2025 passed by the Ld. JMFC (NI Act), Digital Court-02 (Shahdara), Karkardooma Courts, Delhi ('Trial Court') in CC No. 2092/2021 titled as "**Musarrat Ali vs. Irfan Label**".

4. After some arguments, learned counsel for the Petitioner states that the Petitioner is only seeking limited clarification with respect to the permission sought vide application dated 25.10.2024 to summon police officer of P.S. Vivek Vihar as a witness with record of complaint dated 02.06.2023 filed before SHO, P.S. Vivek Vihar.

4.1. He states that the learned Trial Court in the impugned order while granting liberty to the accused to bring official record of the complaint has



further recorded that witness at serial No. 2(iii) is dropped. The relevant portion of the impugned order reads as under:-

“As far as, witness cited as serial no. 2(iii) is concerned, accused is at liberty to bring official record of the complaint. Hence, witness cited as serial no.2 (iii) is dropped.”

4.2. He states that the said directions of the learned Trial Court appear to be conflicting to the Petitioner herein.

4.3. He states that the Petitioner has in his possession the record of the complaint filed along with the action taken report (‘ATR’) filed by the concerned police station and he wishes to place the said documents on record before the learned Trial Court, in his defence.

5. This Court has considered the submissions of the Petitioner.

6. After arguments, learned counsel for the Petitioner has not pressed for summoning of witness of 2(i) and 2(ii). He addressed arguments only with respect to placing on record the documents forming part of the complaint proceedings initiated by the Petitioner herein.

7. In the opinion of this Court, the order of the learned Trial Court is clear and the Petitioner has been granted express liberty to place on record the documents forming subject matter of the complaint dated 02.06.2023, NCR No. 0009/2024 dated 16.01.2024 and the action taken report (‘ATR’), if any, filed by the police officials in the said proceedings.

8. With the aforesaid observations, the present petition is disposed of.

MANMEET PRITAM SINGH ARORA, J
JANUARY 28, 2025/rhc/MG