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

+ **CRL.M.C. 1489/2025, CRL.M.A. 6739/2025**

SANDHYA BINDAL

.....Petitioner

Through: Mr. Dhananjai Jain and Mr. Anurag
Mishra, Advs.

versus

MUKESH SHARMA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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03.03.2025

CRL.M.A. 6740/2025 & 6741/2025

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

CRL.M.C. 1489/2025, CRL.M.A. 6739/2025

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of petitioner challenging order dated 03.12.2024 passed by learned Judicial Magistrate First Class-05(West), Tis Hazari Courts, Delhi in CC No. 413/2017.

2. Learned counsel for the petitioner submits that petitioner was the erstwhile Principal of Ramjas School, Anand Parbat, New Delhi and was harassed by the respondent in order to make the petitioner succumb to the illegal demands of giving admissions as per the dictates of the respondent. Further, respondent is alleged to have filed repeated complaints under Sections 499 IPC without any cause of action. He further urges that two criminal complaints for defamation have been filed by the respondent, which



need to be clubbed by the learned Magistrate in terms of Section 219 of Cr.P.C. He urges that petitioner had in fact appeared before the learned Trial Court and furnished surety bond in both the complaints.

3. In nutshell, stand of the petitioner is that the complaints filed by the respondent within a period of 12 months are required to be tried at one trial in terms of Sections 219 and 220 of Cr.P.C. Further, petitioner is aggrieved against order dated 03.12.2024, whereby, the learned Trial Court has insisted to first frame the notice against the petitioner in one of the complaints for defamation without deciding application under Section 219 of Cr.P.C. filed by the petitioner.

4. Considering the totality of the facts and circumstances, this Court is of the considered view that in order to avoid any prejudice to the rights and contentions of the petitioner, it shall be appropriate that application under Section 219 Cr.P.C. preferred on behalf of petitioner is considered and decided by the learned Trial Court in the first instance, in accordance with law.

Petition is accordingly disposed of without expressing any opinion on merits of complaints. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for compliance.

ANOOP KUMAR MENDIRATTA, J.

MARCH 3, 2025/R