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

+ CRL.M.C. 2400/2024 & CRL.M.A. 12133/2024

SAJJAN SINGH BENIWAL

.....Petitioner

Through: Mr. Naresh Kaushik, Sr. Adv. with
Mr. Vardhman Kaushik, Mr. Mayank
Sharma, Mr. Nishant Gautam and Mr.
Dhruv Joshi, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Aman Usman, APP for State with
SI Mukesh Chauhan PS EOW Mandir
Marg
Mr. Sunil Dalal, Sr. Adv. with Mr.
Devesh Bhatia, Mr. Gandharv Anand
and Mr. Nikhil Beniwal, Advs. for
complainant

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER
10.02.2025

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1. The present petition has been filed seeking following relief:

“a) Quash the orders dated 17.08.2020 and 16.10.2020 whereby proclamation under section 82 of the CrPC was issued against the petitioner along with NBWs in relation to FIR dated 04.04.2019 bearing no. 59 of 2019, PS EOW under sections 406/420/120B of the Indian Penal Code”

2. Mr. Naresh Kaushik, the learned senior counsel appearing on behalf of



the petitioner submits that *vide* impugned order dated 17.08.2020 the learned CMM had issued non-bailable warrants against the present petitioner. Subsequently, *vide* order dated 16.10.2020 direction was given by the learned CMM to issue process under Section 82 CrPC for all the four accused including the present petitioner for 18.12.2020.

3. Mr. Sunil Dalal, the learned senior counsel appearing on behalf of the complainant at the outset points out that now the chargesheet stands filed, therefore, both the impugned orders have paled into insignificance.

4. He submits that post filing of chargesheet, the summons were issued by the learned CMM to the present petitioner in response to which the petitioner did not appear, which led to the issuance of NBWs against the petitioner.

5. He has handed over at Bar a copy of the order dated 27.09.2024 passed by the link JMFC-03 North, Rohini Delhi, to contend that since the NBWs could not be executed against the present petitioner, therefore, the learned link JMFC-03 directed for issuance of process under Section 82 CrPC against the petitioner and other co-accused. The order dated 27.09.2024 is taken on record.

6. Mr. Aman Usman, the learned APP appearing on behalf of the State/respondent clarifies the position that the present chargesheet was filed without arrest of the accused persons and the same was not a chargesheet as proclaimed offender. He further submits that in view of this development the impugned orders have lost their efficacy and the same cannot be enforced.

7. He further clarifies that the proceedings now initiated *vide* order dated 27.09.2024 are fresh proceedings under Section 82 CrPC.

8. In view of the above position, Mr. Naresh Kaushik, the learned senior counsel appearing on behalf of the petitioner, on instructions, seek to



withdraw the present petition to approach the learned Trial Court to seek appropriate remedy.

9. Accordingly, the petition alongwith pending application is disposed of with liberty as aforesaid.

VIKAS MAHAJAN, J

FEBRUARY 10, 2025

N.S. ASWAL