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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6312/2025, CRL.M.A. 26685/2025, STAY & CRL.M.A.
26686/2025 EXEMPTION FROM FILING CERTIFIED COPIES
ETC.

LAKSHMI CHAND LILANIPetitioner

Through: Mr. Vijay Datt Gahtorj, Mr. Rishabh
Rai, Advs.

versus

STATE OF NCT OF DELHIRespondent

Through: Mr. Tarang Srivastav, APP with SI
Abhishek Rana, PS Dwarka South.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

% **ORDER**
08.09.2025

1. The present petition has been filed seeking the quashing or setting aside of the order dated 31.05.2025 passed by the Id. JMFC Dwarka Courts, Delhi in case titled “***State v. Lakshmi Chand Lilani***” vide CC 12538/2021 whereby the trial court issued section 82 Cr.P.C., proceedings against the petitioner.
2. Learned counsel for the petitioner submitted that when summons were issued, the petitioner duly appeared before the Trial Court through video conferencing, however, the Trial Court directed his physical appearance at the stage of charge, which he could not ensure. It is further submitted that



the petitioner is currently negotiating terms of settlement with the complainant and has also been bed-ridden due to medical illness, thereby preventing his personal appearance. Counsel further submitted that no proclamation has been issued against the petitioner and only process under Section 82 CrPC has been initiated, for which the Court's satisfaction is a mandatory precondition before issuance.

3. Learned APP for the State submits that charges have not yet been framed, and the petitioner has failed to appear physically before the Trial Court. It was contended that although the petitioner initially appeared through video conferencing, thereafter he has not complied with the direction to appear in person and continues to avoid physical appearance before the Court.

4. Perusal of the record reveals that petitioner consistently defaulted in making his appearance before the trial court, both physically as also virtually. The trial court was kind enough to grant him exemption from personal appearance on 27.05.2022, 18.08.2022 & 28.10.2022. He did not appear either physically or virtually on 20.12.2022, and accordingly, the trial court was constrained to issue NBWs against him. Thereafter, on multiple occasions, he failed to appear, resulting in the issuance of NBWs on 23.02.2023, 16.11.2023 & again on 01.04.2025. Despite such coercive measures, petitioner did not comply with the court's orders, so much so, he did not appear even after his application for cancellation of NBWs was dismissed on 12.02.2024.

5. It further appears that Section 82 Cr. PC proceedings were initiated on 12.02.2024 and again on 15.05.2024 due to petitioner's continued non-appearance. The learned counsel fairly admits that the petitioner's plea that



he had been bed-ridden, is not supported by any medical record. His plea that he has been negotiating a settlement with the complainant cannot justify his persistent disregard to the directions of the trial court, especially when the charges could not be framed solely on account of his absence. Petitioner had not been appearing regularly even through video conferencing, due to which, the trial has got stalled.

6. In view of the above, this Court finds no infirmity or illegality in the order dated 31.05.2025, passed by learned JMFC, issuing proceedings under Section 82 Cr. PC against the petitioner. The order has been rightly passed after recording the petitioner's repeated defaults. The petition is devoid of any merit and is therefore dismissed.

RAVINDER DUDEJA, J

SEPTEMBER 8, 2025/na