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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.L.P. 468/2017**
KALPANA SHREE AGGARWAL

.....Petitioner

Through: Mr. Brij Mohan Sharma, Advocate
with Petitioner in person.

versus

SHRI ANIL BANSAL & ORS

.....Respondents

Through: Mr. G.D. Chotmurada, Advocate for
R-4 with R-4 in person.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **04.07.2025**

CRL.L.P. 468/2017

1. A Petition for grant of Special Leave under Section 378(3) Cr.P.C has been filed on behalf of the Petitioner against the impugned Order dated 21.03.2017 passed by learned M.M, Central, Delhi in Case No.529053/2016 registered at Police Station Subzi Mandi.
2. It is submitted that the learned Trial Court has failed to appreciate that the Complainant had appeared for eight dates and had been appearing regularly along with her counsel for her cross-examination. It is also submitted that the learned Trial Court has not believed the medical prescription Certificate placed on record. The non-appearance of the Complainant or her main counsel on 21.03.2017 was not intentional and that proper Application for exemption was moved, which was not considered by the learned Trial Court.



3. **Submissions heard.**

4. In view of the submissions made, the Special Leave Petition is allowed and is disposed of accordingly.

Crl.A. _____/2025 (To be numbered by the Registry)

5. A Criminal Appeal under Section 378(4) Cr.P.C has been filed on behalf of the Petitioner challenging the impugned Order dated 21.03.2017 whereby the Complaint Case No.529053/2016 P.S. Subzi Mandi has been dismissed by the learned M.M, Tis Hazari, Delhi.

6. The Complainant/Appellant filed a Complaint Case under Section 500/384/120B/34 IPC, wherein five Respondents were summoned for the pre-summoning evidence by the learned M.M.

7. Respondent No.1 Dr. Anil Bansal was discharged by this Court on 20.03.2009. It is submitted that Respondent No.3 A.S. Ahluwalia and Respondent No.5 Mrs. Kanta Aggarwal have died.

8. It is submitted that Notice under Section 251 Cr.P.C was given under Section 500/34 IPC. The Complainant appeared regularly before the Trial Court on eight dates. It is submitted that on account of her medical condition she was unable to appear on four dates on account of which the evidence of the Complainant was closed and the Complaint dismissed. It is submitted that non-appearance of the Complainant was for medical reasons for which medical documents were placed on record, but the same were neither taken on record nor considered. Hence, a prayer is made that the impugned Order dismissing the Complaint be set aside and an opportunity be given to the Complainant to adduce evidence.

9. Learned counsel on behalf of Respondent No.4 Deepak Aggarwal submits that he is the husband of the Complainant and has no role in the



publication or circulation of the alleged defamatory material. There is no merit in the present Appeal, which is liable to be dismissed.

10. Submissions heard and record perused.

11. Essentially, on the Complaint of the Complainant, the Respondents had been summoned and even a Notice under Section 251 Cr.P.C was framed. Considering that the Complaint has been dismissed only on account of non-production of evidence by the Complainant, it would not be in the interest of justice if an opportunity is not given to her to prove the averments made in the Complaint.

12. On the submissions of the learned counsel for the Complainant/Appellant, it is directed that the Complainant shall conclude her evidence on two dates and no further opportunity on any ground, whatsoever, shall be granted.

13. The Appeal is allowed subject to cost of Rs.10,000/- to be deposited by the Appellant with the Delhi High Court Advocates' Welfare Fund.

14. The parties are directed to appear before the learned Trial Court on 14.07.2025 on which date, as per the convenience of the parties, the two dates for conclusion of evidence be given to the Complainant.

15. The Appeal is allowed and is accordingly disposed of.

NEENA BANSAL KRISHNA, J.

JULY 4, 2025/va