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

% ***Date of Decision: 30th January, 2026***

+ **CRL.M.C. 6726/2023, CRL.M.A. 25198/2023 & CRL.M.A. 25276/2023**

NEERA BATRA AND ORS

.....Petitioners

Through: **Mr. Praveen Suri, Advocate with Ms. Amol Kaur, Advocate**

versus

STATE OF DELHI AND ORS

.....Respondents

Through: **Mr. Aashneet Singh, APP for State/R-1 with SI Ramanuj, PS Nangloi, Delhi**
Mr. H.S. Gautam, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. On the basis of initial complaint of Mandeep Singh Batra (since deceased), FIR No. 101/2008 was registered at PS Nangloi on 12.02.2008. It was for commission of offences under Sections 447/448/468/471/34 IPC.
2. Charges have, reportedly, been framed under Section 447/34 IPC only.
3. During the pendency of the matter, complainant Mandeep Singh Batra died on 10.10.2021.
4. When the matter was at the stage of Prosecution Evidence, his LRs moved an application under Section 302 of Code of Criminal Procedure, 1973 (Cr.P.C.), with the following prayers: -

“a) The LRs of the complainant be granted permission to prosecute the present case against the accused persons,



b) Any other order as may be deemed fit and proper in view of the aforesaid facts and circumstances may also be passed in favour of the Complainant and against the accused persons.”

5. The aforesaid application was considered by the learned Trial Court on 18.08.2023 and was allowed. However, while allowing the aforesaid application, the LRs were granted liberty to, merely, assist the learned Prosecutor in ongoing trial.
6. The grievance in the present petition is very limited.
7. According to petitioners, they never sought any permission or liberty to assist the learned Prosecutor. Rather, in terms of Section 302 of Cr.P.C., they wanted to do further prosecution, all by themselves.
8. It is submitted that though the learned Trial Court allowed the application but it was not in consonance with the aforesaid provision. He also submits that since Criminal Court cannot review its own order, he, instead of filing any application before the same Court, has approached this Court with request for requisite modification in the aforesaid order.
9. I have heard learned Addl. P.P. for the State as well as learned counsel for the accused.
10. After hearing arguments for some time and with the consent of both the sides, present petition is disposed of with direction to learned Trial Court to consider the aforesaid application i.e. application moved under Section 302 of Cr.P.C. afresh after giving due opportunity of hearing to both the sides and then to pass appropriate order, in accordance with law.
11. Needless to emphasize, this Court has not made any observation on merits of the case, and it will be entirely upto the learned Trial Court to pass appropriate order, *albeit*, in accordance with law.



12. In case of any further grievance, concerned party would be at liberty to take appropriate judicial remedy.
13. Petition stand disposed of in aforesaid terms.
14. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

JANUARY 30, 2026/dr/sa