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

+ CRL.M.C. 1838/2024 & CRL.M.A. 7015/2024 (Stay)

HIMANSHU GUPTA AND ANR Petitioners

Through: Mr. Pradeep Chhindra & Mr.
Shidhant Malik, Advocates.

versus

STATE Respondent

Through: Mr. Hemant Mehla, APP for the State
with SI Shilpy Gupta, P.S. Vasant
Kunj, North.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **04.03.2024**

CRL.M.A. 7016/2024 (Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is accordingly disposed of.

CRL.M.C. 1838/2024 & CRL.M.A. 7015/2024 (Stay)

3. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:

“A. Pass an order quashing the impugned order dated 28.06.2023 summoning the Petitioners in Cr. Case no. 6351/2023 pertaining to FIR No. 131/2023 under Sections 354/323/506/509/34 IPC pending in the court of Ms. Komal Garg, Ld. Metropolitan Magistrate; and
B. Pass an order quashing the Cr. Case no. 6351/2023 pertaining to FIR No. 131/2023 under Sections 354/323/506/509/34 IPC and all proceedings arising therefrom pending in the court of Ms. Komal Garg, Ld. Metropolitan Magistrate; and
C. Pass any other order(s) that this Hon'ble Court may deem fit in the facts and circumstances of the instant matter.”

4. Learned counsel appearing on behalf of the petitioners submits that



the order dated 28.06.2023, passed by the learned Trial Court is a non-speaking order inasmuch as it does not reflect as to for which offences the Court has taken cognizance.

5. Issue notice.
6. Learned APP for the State accepts notice.
7. Notice be issued to the complainant to be served through SHO concerned, returnable on 23.04.2024.
8. In the meantime, learned counsel for the petitioners shall file an amended memo of parties impleading the complainant as respondent no.2.
9. Learned counsel for the petitioners submits that petitioner no. 1 is a senior citizen of about 70 years of age.
10. On an appropriate application being moved on behalf of petitioner no.1 for exemption from personal appearance through Counsel, the learned Trial Court shall exempt his appearance till the next date of hearing.
11. Order be uploaded on the website of this Court *forthwith*.
12. Copy of the order be sent to the concerned learned Trial Court for necessary information and compliance.

AMIT SHARMA, J

MARCH 4, 2024/bsr