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

+ **CRL.M.C. 6143/2022**

ROPINDER SINGH BATRA & ORS.

..... Petitioners

Through: Ms. Rebecca M. John, Sr. Advocate
with Ms. Anushka Baruah, Advocate

versus

R.S. SINGHVI & ANR.

..... Respondents

Through: Mr. Abrahama and Mr. Pankaj Bagla,
Advocates

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

% **21.11.2022**

CRL.M.A. 24125/2022 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.C. 6143/2022 & CRL.M.A. 24124/2022 (stay)

3. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of petitioners seeking setting aside of the order dated 29.10.2022, passed by learned Metropolitan Magistrate (MM)-06, South, Saket Court, New Delhi in Ct. No. 683/12021 titled as "*R.S. Singhvi and Ors. v. Ropinder Singh Batra & Ors.*" summoning the petitioners for the offences punishable under Sections 499/500 of the Indian



Penal Code, 1860.

4. It is stated by learned senior counsel appearing on behalf of petitioner that in the present case petitioners are the parents and the brother of the deceased and the complainants are the mother-in-law and father-in-law of the deceased. It is further stated that in the present case the deceased had committed suicide and pursuant to the same an FIR bearing no. 185/2018, was registered at Police Station Hauz Khas, for the offence punishable under Section 304B IPC against the present complainants. It is stated that later, supplementary charge-sheet was filed under Sections 498A/304B/34 IPC.

5. On 18.12.2019, Court of learned Additional Sessions Judge had discharged the respondent no. 1 and 2 who are complainants herein.

6. It is stated that the said order has been challenged in CRL.REV.P. 29/2020 and CRL.REV.P. 170/2021 before another Bench of this Court and the next date of hearing in that case is 18.01.2023. It is therefore, stated that the summoning of the present petitioners in Complaint Case filed under Section 400/500/34 IPC was not as per law.

7. Without going into the merits of the case at this stage, considering the mandate of Sections 499/500 IPC and the fact that the order *vide* which the present complainants were discharged has not yet attained finality and is pending before this Court for 18.01.2023, issue notice. Mr. Abraham, Advocate accepts notice on behalf of the respondents. Reply be filed within 4 weeks with advance copy to learned counsel for petitioners.

8. Issue notice. Mr. Abraham, Advocate accepts notice on behalf of respondents.

9. Re-notify on 21.02.2023.

10. In the meanwhile, the learned Trial Court is requested to adjourn the



matter later than a date fixed before this Court.

11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

NOVEMBER 21, 2022/ZP