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

+ CRL.M.C. 1056/2018

KRISHAN CHAND

..... Petitioner

Through: Mr. Ansh Singh Luthra, Advocate

versus

STATE & ORS

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
Mr. Lohit Ganguly, Advocate for respondents for
R-2 to 8

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **05.02.2019**

The criminal case (CC no.358/3) was filed in the court of the Metropolitan Magistrate by Meenakshi invoking Section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking certain reliefs. Meenakshi, it appears, was married to the second respondent and had certain grievances against him and members of his family, they being third to eighth respondents. During the pendency of the said matter, Meenakshi passed away. The petitioner is the father of late Meenakshi and had sought the permission of the Metropolitan Magistrate to continue with the said proceedings in her lieu. This prayer was not granted, and by order dated 31.10.2017, the Metropolitan Magistrate held that the proceedings stood abated.

The petitioner challenged the said order in the court of Sessions

unsuccessfully by Crl. Appeal 159/17 which was dismissed by judgment dated 09.01.2018.

The present petition under Section 482 of the Code of Criminal Procedure, 1973 brings a challenge to the said two orders of the courts below.

The core issue which arises is as to whether the proceedings under the Protection of Women from Domestic Violence Act can be permitted to be continued after the death of the aggrieved woman by a person claiming to be her next of kin.

Reply has been filed by the second to eighth respondents.

The arguing counsel for the petitioner is not readily available. The matter is adjourned.

Be listed on 19.03.2019.

The trial court record shall be called for. There shall be no further adjournment.

R.K.GAUBA, J

FEBRUARY 05, 2019

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