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

+ **CRL.M.C. 8253/2024**

SMT. BABITA @ BATTAN & ORS.

.....Petitioners

Through: Mr.Manish Sangwan and Mr.Ashwani
Tehran, Advocates alongwith
petitioners

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr.Mukesh Kumar, APP for the State
alongwith SI Harshvardhan, P.S.-
Farsh Bazar

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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18.11.2024

CRL.M.A. 31532/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

CRL.M.C. 8253/2024 & CRL.M.A. 31531/2024 (Stay)

1. The instant petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the petitioners seeking the following reliefs:-

“A. Quash the FIR No. 510/2020 dated 20.11.2020 registered at P.S. Farsh Bazar under Sections 420/468/471/34 IPC & the Charge-sheet filed in the said on 06.04.2023 under Sections 468/471/420/201/34 IPC along with consequential proceedings in Cr. Case No. 2054/2023, titled State v. Babita @ Battan, pending before the Ld. MM-2,



Shahdara, Karkardooma Courts, Delhi'

B. Pass necessary directions the Delhi Police to initiate a detailed inquiry/investigation into the criminal activities of Respondent No.2..."

2. Learned counsel appearing on behalf of the petitioners submitted that initially a private complaint was filed titled as Narender Kumar vs. Babita @ Baittan, whereby, vide order dated 07.11.2020, the learned MM-2, Shahdara, Karkardooma Courts, Delhi, passed an order for registration of FIR. Pursuant to the said order, the present FIR bearing No. 510/2020 was registered and after investigation, the chargesheet was filed. It is submitted that the learned MM has mechanically issued the summons to the petitioners. It is further submitted that it is a classic case of abuse of process of law which can be revealed from the documents itself on the record.
3. Issue notice. Learned APP for the State accepts notice.
4. On filing PF within a week, issue notice to respondent No.2 through all permissible modes, returnable on 17.02.2025.

DINESH KUMAR SHARMA, J

NOVEMBER 18, 2024

Dy/ht..