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

+ **CRL.M.C. 8924/2025**

PERVEZ ALI AHMED

.....Petitioner

Through: Mr. Amaan Shreyas, Mr. Prateek Bhalla, Ms. Mallika Chadha, Ms. Punya Rekha Angara, Mr. Aman Akhtar and Ms. Vasundhara, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Satish Kumar, APP for State with Mr. Ashish Mahani, Adv.
SI Munfaij, PS Jamia Nagar

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

% **12.12.2025**

CRL.M.A. 37246/2025 & CRL.M.A. 37247/2025 (Exemptions)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

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3. Through the present petition, the petitioner seeks setting aside of the order dated 18.09.2023 passed by learned Metropolitan Magistrate-08, South-East District, Saket Courts, Delhi in Cr. Case No. 5438/2020.
4. Issue notice. Learned APP for State, who appears on advance notice, accepts notice and seeks time to file status report.
5. Let the same be filed three days prior to the next date of hearing.



6. In view of the mandate of the Hon'ble Supreme Court in ***Jagjeet Singh & Ors. vs. Ashish Mishra @ Monu & Anr., 2022 9 SCC 321***, the complainant/victim is entitled to be heard in the present proceedings. Accordingly, let intimation be sent by the Investigating Officer to the complainant/victim/ their kith and kin, informing them that they are entitled to be heard in the present proceedings, for which they may remain present (either in-person or via video-conferencing) or be represented by counsel on the next date.
7. Let proof of service of intimation be placed on record before the next date.
8. It has been informed by learned counsel for the petitioner that Bailable Warrants against the petitioner has been issued on 02.03.2023, which had been returned unexecuted. After this, Non Bailable warrants were issued on 19.04.2023, which were also returned unexecuted.
9. It is submitted that process under Section 82 of the Code of Criminal Procedure, 1973, was initiated on 17.05.2023, and that the process server's statement was recorded on 18.09.2023.
10. Learned counsel for the petitioner submits that it was after recording of the process server's statement that the petitioner was declared PO.
11. He further submits that prior to the registration of the subject FIR, the petitioner had left the country in 2018, and at present he is a permanent resident of USA.
12. Learned counsel for the petitioner submits that the petitioner was not aware of the present proceedings, and that proceedings under Section 82 CrPC were initiated against him *in absentia*.
13. In view of the above, this Court deems it appropriate to stay the



impugned order dated 18.09.2023 passed by learned MM, South-East, Saket Courts, Delhi.

14. The petitioner is directed to join the investigation as and when directed by the Investigating Officer.

15. List on 24.03.2026.

AJAY DIGPAUL, J

DECEMBER 12, 2025/ar/av