

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4760-4761/2009

(From the judgement and order dated 02/02/2009 in CRLMA No. 6312/2008 AND 01/05/2009 in CRLMNo. 4178/2009 in Crl.Misc. Case No.1736/2008 of The HIGH COURT OF DELHI AT N. DELHI)

KAMLA SINHA & ANR. Petitioner(s)

VERSUS

PREM PIYARA Respondent(s)
(With appln(s) for stay)

Date: 31/01/2011 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr.Nagendra Rai, Sr.Adv.
Mr.Bijender Singh,Adv.
Mr. Ambar Qamaruddin,Adv.

For Respondent(s) Ms. Manjusha Wadhwa,Adv.
Respondent in person.

UPON hearing counsel the Court made the following
O R D E R

The dispute involved in the present Special Leave Petitions is between an estranged husband and wife who have three children, but are yet not able to settle their problems.

It appears that a complaint had been filed by the respondent-husband against the petitioners-the wife and one of the daughters-in regard to sale of the fire-arms belonging to the respondent. It further appears that on

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the basis of the complaint filed by the respondent-husband cognizance has been taken by the Magistrate in the following manner:

" I accordingly, direct that accused

Nos.1 and 2 be summoned under Section 403 in alternative section 420 or in alternative section 406, section 465 or in alternative section 468 read with Section 120-B I.P.C. And section 5 read with Section 25 of the Arms Act."

The petitioners thereupon moved the Delhi High Court for quashing of the cognizance taken in proceedings under Section 482 of the Code of Criminal Procedure being Criminal Miscellaneous Case No.1736 of 2008. The High Court while issuing notice did not however, stay the proceedings, and, accordingly, the present Special Leave Petitions were filed. On 3.8.2009 while issuing notice to the respondent, we had stayed the proceedings in connection with the Complaint Case No.38 of 2006 and also the order dated 16th April,2008, passed in the pending proceedings in the Court of Additional Chief Metropolitan Magistrate, New Delhi.

Having heard learned counsel for the petitioners and the respondent appearing in person, we are of the view that since the matter is pending before the High Court, the same should be heard and disposed of by the High Court, but in the circumstances which are evident from the materials on record, at an early date. Accordingly, we dispose of the Special Leave Petitions by making the interim order dated 3.8.2009 absolute till the disposal of the pending proceedings for quashing of the cognizance before the High Court. At the same time, we request the High Court to dispose of the pending proceedings expeditiously. We are informed that the matter has been fixed before the High Court for final disposal on 10.3.2011. We request the High Court not to grant any adjournment on that date and to hear the above matter finally and pass appropriate orders thereupon.

The Special Leave Petitions are disposed of accordingly. Dasti in addition.

(Sukadev Sarangi)
A.R.-cum-P.S.

(Juginder Kaur)
Court Master