

\$~5

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

+ CRL.M.C. 20/2017
RAM LAL ARYA

..... Petitioner

Through: Mr.Gurmeet Singh, Advocate.

versus

STATE

..... Respondent

Through: Mr.Raghwinder Varma, APP for State
with Insp Anish Sharma, P.S.
K.M.Pur, New Delhi.

**CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA**

ORDER
04.01.2017

%

Crl.M.A.No.128/2017 (Exemption)

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 20/2017

This is a petition under Section 482 Cr.P.C. filed on behalf of the petitioner seeking quashing of the order dated 03.12.2016 passed by the learned M.M., Saket Courts, New Delhi in *CC No.74/1/2016 titled "Ram Lal Arya vs. State" Prem Singh vs. Akhilesh Singh.*

Learned counsel for the petitioner has submitted that the petitioner has filed a complaint under Section 156(3) Cr.P..C before the Court of learned

M.M., Saket, New Delhi and the same was fixed for hearing on 03.12.2016. Counsel for the petitioner further submits that on the said date, the petitioner could not appear before the Court of learned M.M. due to reasons stated in the present petition. Counsel further submits that the Court below proceeded with the dismissal of the application under Section 156(3) Cr.P.C. and prays that the impugned order passed by the learned Magistrate may be set aside, as non-appearance of the petitioner on the date fixed was neither intentional nor deliberate but due to a bona fide reason.

Looking into the facts and circumstances of the case and the reasons stated in the petition, which is supported by the affidavit of the petitioner/complainant, I set aside the order dated 03.12.2016 passed by the Learned Magistrate, Saket Courts, New Delhi and the petitioner is directed to appear before the concerned Court below on 24.01.2017.

In view of the aforesaid, nothing further survives to be considered in the present petition and the same is disposed of accordingly.

Copy of this order be given *dasti*, as prayed and a copy thereof be also sent to the concerned Court through special messenger forthwith for information and compliance.

I.S.MEHTA, J

JANUARY 04, 2017

'dc'