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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5347/2024, CRL.M.A. 20466/2024 & CRL.M.A.
20467/2024

ANUPAMA KUMARI

....Petitioner

Through: Mr. Amit Kumar and Ms. Khushboo
Sharma, Advs.

versus

SHRI DEV KARAN RAJPUT

....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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16.07.2024

CRL.M.A. 20467/2024 (Exemption)

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of.

CRL.M.C. 5347/2024 alongwith CRL.M.A. 20466/2024(Stay)

1. This petition has been filed for quashing of complainant case No.841/2021, PS Dwarka (North), titled "*Dev Karan Rajput v. Anupama Kumari*", and proceedings emanating therefrom pending before the Court of MM, Dwarka Courts, Delhi, as also the summoning order dated 01st July, 2022 passed in the said matter.
2. The issue arose out of a defamation complaint under Sections 499/500 IPC filed by complainant alleging that accused was his employee in his company M/s. Miraz Facility Management Services Private Limited, which



was providing security and housekeeping services to various clients. As per complainant, accused absconded from work on 16th April, 2021, and made a WhatsApp status on 01st July, 2021 which was defamatory in character.

3. Pre-summoning evidence was led on 15th February, 2022 on behalf of the CW-1. Statement of Deepak Kumar (SPA Holder of Dev Karan Rajput) was recorded. Thereafter, per impugned order summons were issued basis ingredients of offence being made out and there being sufficient ground to proceed for offences punishable under Section 499 IPC.

4. Counsel for petitioner points out that, pre-summoning evidence could not have been led by the power of attorney holder and it was mandatory that complainant itself ought to have been examined. Further statement of a witness ought to have been taken in respect of the alleged imputation being disseminated.

5. In support, he relies on a judgment of a Coordinate Bench of this Court in *Business Standard Pvt. Ltd. & Anr. v. Lohitaksha Shukla & Anr.*, 2021 SCC OnLine Del 988, CRL.M.C. 621/2017 where it was held that cognizance may only be taken upon receiving a complaint by 'a person who is aggrieved'.

6. Accordingly, issue notice to the respondent on steps being taken by the petitioner through all permissible modes including email.

7. List on 01st August, 2024.

8. In the meantime, there shall be stay in the proceedings pending before the MM.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JULY 16, 2024/MK