

\$~10

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

Judgment delivered on: 14th September, 2015

+ **CRL.M.C. No.2868/2015**

AMBESH NAND KUNWAR ALIAS RATAN Petitioner

Represented by: Mr.Lokesh Kumar Mishra,
Adv with petitioner in
person.

Versus

THE STATE OF NCT OF DELHI AND OTHERS Respondent

Represented by: Mr. Ravi Nayak, APP for the
State with SI Pramod Kumar,
PS Bhajanpura, Delhi in
person.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks quashing of criminal proceedings arising out of the FIR No.200/2013 registered at Police Station Bhajanpura, Delhi, for the offence punishable under Sections 363/366/34 of the IPC against him.

2. Learned counsel appearing on behalf of petitioner submits that the aforesaid case was registered on the complaint of father of the prosecutrix, who alleged that on 16.07.2012, one boy namely Atul @ Suman kidnapped his daughter Barkha on which case FIR No.224/2012 was already registered on 17.07.2012 under Section 363 of the IPC at PS

Bhajanpura, Delhi, which is pending investigation; as his daughter met Anand Vihar Railway Station on 22.07.2012 and after that she resided with them at the address given in the FIR. On 19.01.2013, at about 02.00PM, his daughter went to use internet at C Block, Yamuna Vihar, Delhi and she did not return at home. He (complainant) was fully assured that Atul @ Suman alongwith his friends and brother (petitioner herein) kidnapped his daughter. Accordingly, present FIR was registered against the accused persons including the petitioner.

3. Thereafter, the brother of the petitioner and the prosecutrix recovered and accordingly statement under Section 164 of the Cr P C was got recorded on 19.05.2014. In the said statement, she has not uttered even a single word/allegation against the petitioner. The charge sheet was filed on 24.06.2013. Thereafter, supplementary charge sheet was also filed on 13.02.2015 qua other accused persons. He submits that till date matter has not been heard on charge.

4. Learned counsel submits that there is no role of the petitioner and he was arrested from his native place. He has completed his graduation in B.Com with first division. The petitioner is a very bright student having no role in the offence and his career is at stake.

5. Keeping in view the fact that the supplementary charge sheet against co-accused was filed only on 13.02.2015 and matter is pending for arguments on charge, therefore, learned Trial Court is directed to hear the petitioner and pass the order on charge accordingly.

6. I hereby make it clear that keeping in view the young age and career of petitioner, learned Trial Court is expected to pronounce the order

on charge positively by the end of December, 2015.

7. In view of above directions, the petition is disposed of.

8. Order *dasti*.

**SURESH KAIT
(JUDGE)**

SEPTEMBER 14, 2015

M