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

Judgment delivered on: 03rd September, 2015

+ **CRL.M.C. No.3354/2015**

ANSHUL PARMAR

..... Petitioner

Represented by: Mr.R.K.Kapoor and
Ms.Rekha Giri, Advs

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Represented by: Mr.Amit Chadha, APP for
the State with SI Narinder
Singh, PS Malviya Nagar,
New Delhi in person.
Mr.Sandeep Verma, Adv for
R2 with R2/complainant in
person.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.A. No.11989/2015 (Exemption)

Exemption allowed, subject to all just exceptions.

Accordingly, the application is allowed.

CRL.M.C. No.3354/2015

1. By way of this petition filed under Section 482 of the Code of Criminal Procedure, 1973, petitioner seeks a direction thereby quashing and setting aside the supplementary charge sheet dated 06.05.2014 filed

for the offences punishable under Sections 420/468/471 of the IPC in case FIR No.367/2012 registered at Police Station Malviya Nagar, New Delhi, for the offences punishable under Sections 498A/406/34 of the IPC on the complaint of respondent No.2.

2. Learned counsel appearing on behalf of the petitioner submits that petitioner and respondent No.2 are husband and wife and their marriage took place on 08.02.2011. Respondent No.2 filed a complaint before CAW Cell somewhere in December, 2011, which was culminated into registration of FIR, as noted above. During proceedings, the petitioner was granted regular bail on 27.02.2013 by learned Metropolitan Magistrate. After investigation, charge sheet was filed by the police, but prior to framing of charge against the petitioner, the respondent No.2 made another complaint and got recorded her supplementary statement dated 10.02.2014 wherein she alleges that her husband, petitioner herein at the time of marriage stated that he was a graduate with MBA whereas he is only 12th class passed.

3. Accordingly, police filed the supplementary charge sheet whereby the offences punishable under Section 420/468/471 of the IPC were also invoked against the petitioner. The grievance of the petitioner is that the respondent No.2 and petitioner meet each other in the year 2006 and got engaged on 06.02.2011 and their marriage took place on 08.02.2011. During the period of 5-6 years, she could not revealed this fact, however after grant of regular bail vide order dated 27.02.2013, she made the supplementary statement wherein she stated that she came to know about the qualification of petitioner only during the proceedings before the CAW Cell.

4. It is not in dispute that the FIR was registered after completion of the proceedings before the CAW Cell, however, till then there was no complaint whatsoever regarding the qualification of the petitioner.

5. In such an eventuality, if some other offence which is not related to the complaint, come into the notice of the police, the police had to register another FIR against the culprit under the relevant provisions of the IPC; whereas the police has filed the supplementary charge sheet by invoking Sections 420/468/471 of the IPC.

6. Though, the police is not precluded to investigate further and file the supplementary charge sheet and add the provisions of the IPC accordingly. However, in the present case, there is no averment in the complaint filed by respondent No.2 that the petitioner had cheated her on qualification. The only allegations are for the offences punishable under Section 406/498A/34 of the IPC and accordingly the case was registered against the petitioner and his family members.

7. The subsequent offence for which the supplementary charge sheet has been filed by the police is not tenable. The police instead of filing the supplementary charge sheet should have registered another FIR against the petitioner, if it is made out.

8. In view of above, I hereby quash the supplementary charge sheet filed by the police against the petitioner for the offences punishable under Section 420/468/471 of the IPC in FIR No.367/2012 registered with police station Malviya Natar, New Delhi with the liberty to the police to proceed as per the law against the petitioner.

9. Consequently, the present petition is allowed with no order as to costs.

Crl.M.A.11988/2015 (for Stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

SEPTEMBER 03, 2015

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