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

DECIDED ON : 29th APRIL, 2016

+ **W.P.(CRL.) 514/2016 & CRL.M.A.No.2816/2016**

ALOK MISHRA

..... Petitioner

Through : Mr.Ashutosh Dubey, Advocate with
Mr.Sagar Mehra, Advocate.

versus

THE STATE (GOVT. OF NCT OF DELHI) Respondent

Through : Ms.Richa Kapoor, ASC with
Ms.Mallika Parmar, Advocate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present writ petition has been filed by the petitioner – Alok Mishra under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.749/2015 registered under Section 509 IPC at PS Kalkaji. Status report is on record.

2. I have heard the learned counsel for the parties and have examined the file. Petitioner's counsel urged that allegations leveled against the petitioner are false and motivated. No such incident had taken place. The petitioner has unblemished and clean antecedents. The complainant lodged the complaint because she was not selected. Six candidates were interviewed in the presence of Ms.Ashna Chopra aged around 54 years. No other candidate lodged any such complaint. No irrelevant question was asked from the complainant and other candidates. Learned Addl. Standing

Counsel urged that the investigation is almost complete and charge-sheet is expected to be filed soon.

3. Admitted position is that the complainant 'X' (changed name) aged around 23 years had appeared for interview held for the office of National Committee on Plasticulture Applications in Horticulture (NCPAH) on 26.08.2015 conducted in between 10.00 a.m. to 12.00 noon. In the complaint 'X' categorically disclosed that the petitioner had asked irrelevant derogatory questions. She gave details at the questions asked from her. She further disclosed that the said questions had no relevance to her education and profile. She could not bear personal harassment and started crying before the petitioner. Similar questions were also asked from the other girl candidates.

4. Status report reveals that the matter is still under investigation. Statements of various witnesses have been recorded. It is informed that the complainant's version has been corroborated by another candidate 'Y' (changed name) who had appeared in the interview and was asked similar questions.

5. The FIR was lodged promptly without any delay. Contents of the complaint prima facie disclose commission of cognizable offence. The complainant's allegations supported by another girl 'Y' cannot be brushed aside at this stage. They had no prior enmity or ill will against the petitioner to implicate him in this case. It is well settled that powers under Section 482 Cr.P.C. cannot be exercised if prima facie offence has been made out on the basis of the allegations made in the complaint without going into the truth or otherwise of those allegations. The truthfulness or otherwise all these allegations made in the complaint cannot be gone into at this stage. The

sufficiency of evidence or material cannot also be looked into at this stage. It is a matter of trial.

6. In the instant case, the complainant discloses commission of cognizable offence. Hence inherent jurisdiction cannot be invoked.

7. The petition lacks merit and is dismissed. Pending application also stands disposed of.

8. Observations in the order shall have no impact on the merits of the case.

(S.P.GARG)
JUDGE

APRIL 29, 2016 / *tr*

