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

+ **CRL.M.C. 2374/2016**

R RAJU

..... Petitioner

Represented by: **Mr. Abhimanyu Singh Khatri,**
Adv.

versus

STATE & ANR

..... Respondent

Represented by: **Mr. Ravi Nayak, APP with SI**
Mohendra Kr., PS Tilak Marg.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.07.2016

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CrI.M.A. 10144/2016

Exemption allowed subject to just exceptions.

CRL.M.C. 2374/2016 & CrI.M.A. 10143/2016 (stay)

1. By the present petition the petitioner seeks quashing of the charge sheet dated 24th February 2013 filed in FIR No. 59/2013 registered at PS Tilak Marg under Sections 323/379/506 IPC and the proceedings pursuant thereto besides the orders dated 10th March, 2016 and 23rd November 2015.

2. Vide order dated 23rd November, 2015 the learned Trial Court passed an order directing framing of charge for offences punishable under Section 379/323/506 IPC which order was challenged by the petitioner before the learned Additional Sessions Judge. The revision petition was dismissed vide the impugned order dated 10th March, 2016. Thus all the impugned orders are challenged in the present petition.

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3. At the outset learned counsel for the petitioner sought liberty to withdraw the present petition with liberty to file a fresh petition challenging the charge which has been framed.
4. Needless to note having challenged the order directing framing of charge and failed therein, the petitioner cannot take the remedy of challenging the framing of charge which is a consequential order.
5. Even on merits the contention of learned counsel for the petitioner is that there are improvements in the statement of the complainant recorded under Section 161 Cr.P.C. from the FIR.
6. A perusal of the FIR would show that specific allegations have been made against the petitioner and it is alleged that on 2nd April, 2012 when the complainant reached outside Court room he was abused and pressurized to withdraw the case. It is further stated that he was caught hold by the neck and threatened.
7. Any improvement in the statement under Section 161 Cr.P.C. cannot be a reason to ignore the allegations made in the FIR. Statement under Section 161 Cr.P.C. is not substantive evidence and whether there are improvements or not would be seen at the stage of trial after the evidence is led.
8. Petition and application are dismissed.

MUKTA GUPTA, J.

JULY 11, 2016
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