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

+ W.P.(CRL) 2602/2016

NITESH KAUSHIK

..... Petitioner

Through : Mr. Sanjay Sharma, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) & ORS..... Respondents

Through Mr. Rahul Mehra, Standing Counsel
with Mr. Tushar Sannu, Mr. Jamal
Akhtar, Advs. and SI Raghuvendra
Singh, DIU for respondent nos. 1 to 3
Mr. R.P. Luthra, Mr. Prashant Kr.
Unrao and Mr. Hohit Budhiraja,
Advs. for respondent no. 4

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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27.10.2016

By this writ petition under Article 226 of the Constitution of India, petitioner has prayed that respondent nos. 1 to 3 be directed to ensure the safety of petitioner. It has been further prayed that respondent nos. 1 to 3 be directed to conduct fair investigation in all the criminal cases registered by the respondent no. 4 and her relatives against the petitioner and his relatives. Petitioner has alleged in the writ petition that in the month of July, 2013 he paid ₹7,00,000/- to the respondent no. 4, namely, Smt. Sushila Giri, for getting his son admitted in MBBS course at Subharti Medical College,

Meerut. Respondent no. 4 failed to get his son admitted in MBBS course in Subharti Medical College, Meerut. She returned the amount vide a cheque bearing no. 585247 dated 7th June, 2013 drawn on HDFC Bank, Vishwas Nagar, Shahdara, Delhi. However, on presentation, said cheque was returned dishonoured with the remarks “payment stopped by drawer”. Petitioner issued a legal notice dated 2nd July, 2013 and in response thereof respondent no. 4, vide reply dated 12th July, 2013, alleged that her blank cheque was misplaced. Petitioner filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 against the respondent no. 4, but later on same was withdrawn by him. Petitioner filed a civil suit for recovery of the said amount against the respondent no. 4, which was decreed against which appeal has been filed by the respondent no. 4 and is pending in this Court.

On 29th March, 2014 respondent no. 4 called the police vide DD No. 29-A and falsely alleged that petitioner along with his uncle Satish Kaushik and his father Veer Dev Kaushik had forcibly entered her house and molested her. Pursuant thereof, FIR was registered. Petitioner’s father was arrested on 29th March, 2014 and was released on 30th March, 2014 in a case registered for the offences punishable under Sections 354-B/452/34 IPC. Statement of respondent no. 4 under Section 164 Cr.P.C. was recorded and

in view of the said statement of respondent no. 4, the offences under Sections 376/377 IPC were added. Petitioner was released on anticipatory bail in the said case by this Court on 27th May, 2014. On the complaint of grandmother of petitioner FIR No. 388/2014 under Sections 308/452/506/323/34 IPC was registered against the respondent no. 4 and her associates in respect of the incident dated 29th March, 2014.

Status report has been filed and perused. It is evident from the perusal of status report that petitioner and his relatives and respondent no. 2 and her relatives are litigating in various courts. Several cases have been filed by them against each other. Details whereof are as under:-

SN	Case details & current status	Complainant	Alleged/allegations
1.	Case u/s 138 NI Act	Veerdev Kaushik	Case of cheque bounce against Sushila filed by Veerdev.
2.	355/14/354/376/377 IPC PS Gokalpuri Case sent to Court on 15.12.14, all 3 chargesheeted	Sushila w/o Jaiprakash r/o 83 Gokalpur	Initially registered u/s 354/452/34 IPC and later other sections added. Veeradev, Satish and Nitish entered her home, molested and touched her private parts, she made PCR call.
3.	388/14 u/s 308/34 IPC PS	Veerdev	Case against

	Gokalpuri Case sent to court on 26.5.15, 4 chargesheeted	Kaushik	Sushila Anil, Chhattarpal and one more. Initially registered u/s 308/34 IPC and Sushila w/o Jaiprakash r/o 83 Gokalpur claims that the final report was filed u/s 323/IPC.
4.	142/14 u/s PS sec.20 Noida	Sushila Giri w/o Jaiprakash r/o A83 Gokalpur	On 23.5.14. Veerdev Kaushik, Rakesh, Chaman Lal assuaded her.
5.	563/15 u/s 341/323/34 PS Gokalpuri Case sent to court on 25.5.16 by DIU without arrest, 6 chargesheeted	Dayanand Sharma r/o A66 Gokalpur	On 15.7.15, when his relatives Veerdev and Nitish came to Gokalpur from Court, Jaiprakash Giri, Sushila, Poonam, Kumoud etc caught hold them and gave beatings.
6.	564/15 u/s 336/341/323/427/34 PS Gokalpuri pending investigation in DIU	Sushila Giri s/o Jaiprakash r/o 83 Gokalpur	On 15.7.15, Veerdev and Satish came having weapons and fired, Rajnish and Nitish were having sticks, they also damaged car
7.	574/14 u/s 307 IPC & 25 Arms Act PS. Gokalpuri Present case	Sushil Giri s/o Jaiprakash r/o A83	On 18.7.15, when he was going on bike, Veerdev, Satish @ Satyadev,

		Gokalpur	Nitesh and Shivam stopped him and fired on him with intent to kill.
8.	986/15 u/s 365/506/511/34 PS Vivek Vihar still pending investigation with local police	Sushila Giri w/o Jaiprakash r/o A83 Gokalpur	On 9.10.15, when she as going in rickshaw from KKD court, Veerdev, with 2 others persons and 2 ladies came in a car and started pulling her from rickshaw and tried to kidnap her.
9.	FIR No. 410/16 u/s 323/341/354/379/506/509/34 IPC P.S. Gokalpouri pending in DIU/NE	Rekha Kaushik c/o Satyadev Kaushik	On 18.7.15, Sushil Giri, Anil Giri, Vikas, Atul and Ompal obstructed her and her husband way and gave beatings.

In the FIRs mentioned at serial nos. 2, 3 and 5, investigation is already complete and charge-sheet has been filed. In remaining cases, investigations are still going on.

There is nothing to suggest that investigations have not been done in fair manner. On the complaints made by the parties, FIRs have been registered, including the cross FIRs and the matter has been investigated. No prejudice or bias is made out on the part of the investigating agency.

For the foregoing reasons, petition is dismissed.

A.K. PATHAK, J.

OCTOBER 27, 2016

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