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

DECIDED ON : 11th APRIL, 2017

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W.P.(CRL) 398/2016

PREM CHAND

..... Petitioner

Through : Mr.Kamal Mehta, Advocate.

versus

THE STATE OF DELHI & ANR

..... Respondents

Through : Ms.Richa Kapoor, ASC with SI Monu
Chauhan, PS F.Beri.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

1. Present writ petition under Articles 226 & 227 of the Constitution of India read with Section 482 Cr.P.C. has been preferred by the petitioner for quashing of the FIR No.1059/2014 registered under Sections 509/506/34 IPC at PS Farsh Bazar. 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 false allegations have been levelled by the complainant to grab the property in question. Various civil suits were pending regarding the suit property prior to the registration of the FIR. The FIR in question is a counterblast of FIR bearing No.385/2011 registered against the complainant and her husband. The petitioner was not present at the spot at the relevant time. His attendance record at the office revealed that he was present on duty on 05.11.2014 at the relevant time.

3. In her complaint forming basis of the FIR, the complainant disclosed that on 05.11.2014 at around 08.00 a.m. when she was cleaning

her house, her brother-in-law (jeth), the petitioner along with his brother-in-law (sadu Rajesh) and son Lalit entered her house and abused her in filthy language. Rajesh caught hold of her husband and Lalit hit her on her stomach. She had pregnancy of three months duration. The assailants gave beatings to her husband. Prem Chand threw a jug full of acid on her, it fell on curtains. The assailant threatened them to vacate the house.

4. DD No.10A came to be recorded on 05.11.2014 at 09.24 a.m. regarding 'quarrel' at the spot. The complainant was also taken for medical examination at Dr.Hedgewar Arogya Sansthan, Karkardooma. The nature of injuries was opined as 'simple'. In 164 Cr.P.C. statement recorded on 29.01.2015 the complainant has reiterated her version given to the police.

5. Status report reveals that the petitioner was arrested on 16.11.2015 and released on bail. Other accused could not be arrested and the investigation is in progress.

6. The allegations are specific and definite. Truthfulness and falsity of the allegations primarily pertains to the realm of the evidence and cannot be gone through at this stage.

7. The petitioner will be at liberty to raise all these issues before the Trial Court at the time of consideration of charge.

8. The petition lacks in merits and is dismissed.

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

(S.P.GARG)
JUDGE

APRIL 11, 2017 / tr