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

+ CRL.M.C. 541/2017

POOJA

..... Petitioner

Through Mr.Kunal Yadav, Adv.

versus

THE STATE

..... Respondent

Through Mr.Rahul Mehra, Standing Counsel
(Crl.) with Mr.Panna Lal Sharma,
APP, DCP Rishi Pal (Outer District),
Insp. Satya Prakash, SHO, PS
Mundaka, W/SI Sarita.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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22.02.2017

The present petition has been filed by the complainant for quashing of FIR No.37/2017, under Sections 366/376/377/506 IPC, Police Station Mundka lodged by her with the allegations of rape against the accused on 28.01.2017. After the lodging of FIR, the complainant was produced before the learned Magistrate for making her statement under Section 164 Cr.P.C. and she resiled from her earlier statement made at the time of lodging the FIR. It has been submitted by Mr.Rahul Mehra, Standing Counsel (Criminal) that the resiling from the statement made at the time of recording the FIR shall be taken into consideration at the time of taking the decision to file the charge sheet, or not proceeding with the same. So, this is not

the appropriate stage to look into this particular fact.

The other surprising issue in the present case is as to how the complainant can be aggrieved by the FIR registered by the complainant herself. The quashing of FIR can definitely be sought under Section 482 Cr.P.C. by the person aggrieved and that could be the accused who is likely to be arrested or arrested or facing the criminal trial, but it cannot be on the part of the complainant, reason being that whatever statement has been made by the complainant, that is the subject matter of registration of FIR under Section 154 Cr.P.C. if it discloses the cognizable offence and the FIR becomes the State subject. There cannot be any grievance by the complainant on proceeding with the FIR by the investigating agency. In such a scenario, the complainant cannot be said to be aggrieved in the present case.

Consequently, the present petition is dismissed.

P.S.TEJI, J

FEBRUARY 22, 2017
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