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

+ W.P.(CRL) 719/2016

ABHISHEK KUMAR

..... Petitioner

Through: Mr.Siddharth Verma, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ORS

..... Respondents

Through: Ms.Kamna Vohra, ASC for the
State/R-1 with SI Ram Naresh, PS
Amar Colony.

Mr.K.Venkataraman, Advocate for
R-2.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

24.11.2017

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1. The instant writ petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. praying for quashing of proceedings initiated against the petitioner on the basis of FIR No.1357/2015, under Section 406 IPC, PS Amar Colony and for directing the Assistant Commissioner of Police, Crime Against Women Cell, Srinivaspuri, Delhi and SHO, PS Amar Colony to ensure safety and liberty of the petitioner by not implicating him in false and frivolous case registered at the instance of respondent No.2.

2. On behalf of State, status report (handwritten) has been filed stating therein that investigation in this case has already been completed and that chargesheet was also prepared and forwarded to the Court by ACP/Lajpat Nagar on 26th October, 2017.

3. Learned counsel for the petitioner submits that despite the fact that

chargesheet has been filed, the petitioner prays for quashing of FIR inter-alia on the following grounds:-

- (i) There are contradictory versions made by the complainant in the FIR.
- (ii) On the basis of same allegations, one FIR has been filed in Delhi by the complainant against the petitioner for committing the offence punishable under Section 406 IPC and another FIR has been filed in Bihar for committing the offence punishable under Section 498A IPC.
- (iii) The allegations made in the FIR being contradictory in itself is a ground for quashing of FIR.

4. In the instant case, as the charge-sheet has been filed, the petitioner has ample opportunity to raise these contentions before the learned Trial Court and it is for the learned Trial Court to form an opinion as to whether a prima facie case is made out against the petitioner or it is a case of discharge.

5. Since the arguments on the point of charge are yet to be advanced before the learned Trial Court and order on charge is yet to be passed, this Court cannot conduct a mini trial.

6. The writ petition is dismissed. The contention raised before this Court, may be raised by the petitioner before learned Trial Court at the stage of consideration of charge. Depending upon the outcome, the petitioner can avail the appropriate remedy as per law.

PRATIBHA RANI, J.

NOVEMBER 24, 2017

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