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

+ W.P.(CRL) 1602/2013 & Crl.M.A. Nos.14642/2013 & 6098/2014

SUJATA SAHU Petitioner

Through: Petitioner in person

versus

STATE & ANR Respondent

Through: Mr. Rajesh Mahajan, ASC with Mr.
Peeyush Bhatia, Adv for State
Mr. Rakesh Tikku, Sr. Adv. with Mr.
Abhijit Puri and Mr. Vivek Ojha for
SBI

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

22.03.2017

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Counsel for the petitioner, Mr. Jatinder Pal Singh seeks discharge. The petitioner is present in court and she discharges the counsel. Accordingly, he stands discharged. She states that she wishes to advance arguments on her own.

I have heard the petitioner in person as well as Mr. Mahajan and Mr. Tikku, learned senior counsel for respondent no.2/ complainant. The petitioner has preferred the present writ petition to seek the quashing of FIR 265/2014 under Section 468/471/420/511 registered at PS Vasant Vihar. She further seeks a direction for registration of a regular case/ FIR and investigation into the alleged criminal acts of SI Suresh, PS Vasant Vihar (South) and Lt. Ravi Kiran Kabdaula, her husband on the basis of her complaint dated 12.09.2013.

The premise on which the present petition is founded is that the petitioner's husband is a senior naval officer. She states that she and her husband have estranged relationship and her husband is instrumental in foisting the aforesaid false and fabricated case against her in collusion and connivance with respondent no.2/ complainant, who is an officer of SBI, Card and Payment Services Pvt. Ltd. and the concerned police officers.

The crux of the case against the petitioner in the aforesaid FIR is that she had made two applications for obtaining credit cards from the said bank in the name of her husband. According to the complaint, the signatures on the said applications – one made in the name of Ravi Kiran Kabdaula and the other made in the name of Ravi Kiran were found to be discrepant and doubtful. The first application was allegedly made in the first week of June 2013 and the second application was made on 14.06.2013. The discrepant signatures etc. raised doubt against the petitioner. The supporting documents, namely, a letter from the employer's husband was allegedly found to be forged. Consequently, a watch was kept in respect of the said applications.

Allegedly, on 26.06.2013, the petitioner visited IIT Hauz Khas Branch asking for return of the applications submitted by her. At that stage, the police was called on no.100. Allegedly, the petitioner left the said branch. Consequently, a complaint was made by respondent no.2 being an officer of SBI on the same day i.e. 26.06.2013, which led to registration of the FIR in question on 18.07.2013.

The petitioner, who has advanced her submissions in person, has submitted that the fact that the complainant and her husband were in contact even prior to registration of the FIR is evident from the mobile phone call

detail record of the petitioner's husband in relation to his mobile 9048206527. She draws the attention of the court to the order dated 01.10.2013 passed by this court, whereby the court had required furnishing of call details of SI Suresh Kumar.

The petitioner stated that she was provided the call detail record in respect of her husband as well as that of SI Suresh Kumar. On the basis of the said records, she filed an affidavit on 04.02.2014 which has been referred to by her. The said call details show that the petitioner's husband had several talks with the complainant on 26.06.2013 from 15:56:34 hrs. onwards and even thereafter.

I may observe that in the complaint made by the complainant on 26.06.2013, he has himself mentioned that he got in touch with the husband of the petitioner to inquire whether he had applied for credit cards. Thus, prima facie, on the basis of call detail record, there is nothing to suggest that much prior to making of the complaint, the complainant got in touch with the husband of the petitioner so as to raise any serious doubt complicity between petitioner's husband and the complainant with a view to falsely implicate the petitioner. Similarly, the call details in respect of the mobile phone number of SI Suresh Kumar extracted by the petitioner in her aforesaid affidavit are from 09.07.2013 onwards i.e. after the making of the complaint by respondent no.2.

The charge sheet read out to the court shows that after the complaint was received, preliminary verification and inquiry was made before the registration of the FIR and there is a gap between the making of complaint and registration of the FIR of about two weeks.

In these circumstances, the aforesaid submissions advanced by the

petitioner are not sufficient for this court to conclude at this stage that the FIR is malafide or patently concocted one.

Mr. Tiku has also pointed out that the petitioner has set up an alibi that she was not available in Delhi on the date of the incident i.e. 26.06.2013, when she is claimed to have visited the Hauz Khas Branch of SBI. However, there is a mobile video recording available to show her presence in the branch on the said date. According to the petitioner, she was away to Dehradun in respect of an examination that she had to take on 27.06.2013. Whether or not the petitioner was in Delhi and whether she had gone to Dehradun and, if so, when, would be a matter for the Trial Court to determine. The defence that the petitioner may have cannot form the basis of a quashing petition. The principles on which this court would exercise its jurisdiction to quash a FIR are well settled. In this regard, reference may be made to *State of Haryana & Ors vs Ch. Bhajan Lal & Ors.*, 1990 SCR Supl. (3) 259 and *R. P. Kapur vs The State of Punjab*, 1960 SCR (3) 311.

In my view, the said yardsticks are not met in the facts of the present case. The petition is, accordingly, dismissed.

It is, however, made clear that no observation made in this order shall be construed as an expression of the view by this court on the merits of the case one way or another.

Dasti.

VIPIN SANGHI, J

MARCH 22, 2017

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