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

+ **W.P.(CRL) 2402/2016**

VINOD KUMAR

..... Petitioner

Represented by: Petitioner in person.
Mr. C.M. Grover, Advocate.

versus

STATE & ORS

..... Respondents

Represented by: Mr. Ashish Aggarwal,
Additional Standing Counsel,
Ms. Arpita Bhattacharya and
Mr. Piyush Singhal, Advocates
for the State with ASI Chander
Veer, PS Seema Puri, SI Amit
Kumar, PS Farsh Bazar and
W/SI Veera Sharma, CAW
Cell, Yamuna Vihar.
Mr. Kapil Parashar and Ms.
Bhanvi Saxena, Advocates for
respondent No. 5 with
respondent No.5 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

15.02.2017

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1. By the present petition the petitioner has inter alia prayed:

“a). To pass a Writ, order or direction whereby quash the proceeding which are pending before CAW Cell, Seemapur, Delhi against the petitioner;

b). To pass a writ, order or direction whereby to register a complaint against the respondent no.4 as already a complaint has been posted to the respondent no.2;”

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2. The petitioner had earlier married Ms. Pooja and after registration of FIR by Pooja, a settlement was arrived at Karkardooma Courts, whereafter divorce by mutual consent was granted. Thereafter the petitioner remarried to one Rekha in the year 2015. However, disputes arose between the petitioner and Rekha resulting in a complaint being lodged by the petitioner with SHO, PS Farsh Bazar received vide DD No.63B on 28th August, 2015. In the said complaint the petitioner levelled allegations against Rekha and her family members. When no FIR was registered, the petitioner filed a complaint under Section 200 Cr.P.C. along with an application under Section 156 (3) Cr.P.C. before the learned CMM, Karkardooma Courts on 3rd October, 2015 which is still pending consideration.

3. In the meantime, on 30th October, 2015 Rekha lodged a complaint with ACP, CAW Cell, Seema Puri wherein proceedings were started before the CAW Cell. Since during the proceedings before CAW Cell, efforts were being made for settlement between the parties, a subsequent complaint was filed by the petitioner to DCP, North-East District on 9th June, 2016. Though the allegations in the complaint dated 9th June, 2016 were parimateria the same as the complaint dated 28th August, 2015 on which an application under Section 156 (3) Cr.P.C. was pending consideration before the learned Trial Court, in the complaint dated 9th June, 2016 additional allegations were levelled against the Investigating Officer of the CAW Cell, who was trying to make efforts to forge a settlement between the parties.

4. A status report has been filed by the State. As per the status report prayer (a) made in the petition has become infructuous for the reason the proceedings pending before the CAW Cell Seema Puri have culminated in

registration of FIR No.316/2016.

5. As regards registration of complaint against the respondent no.4 SI Veera Sharma is concerned the only ground seeking registration of FIR is ground (d) in the petition which states that the respondent No.4 knew each and every fact that the respondent No.5 and her family members hatched a conspiracy against the petitioner and by this way they caused wrongful loss to the petitioner and wrongful gain to themselves, but still respondent No.4 is adamant to settle the matter between the parties and was pressurising the petitioner to pay a handsome amount to respondent No.5, otherwise the FIR would be registered.

6. The mandate of CAW Cell is that on receipt of a complaint efforts be made to forge a settlement between the parties and in case no settlement is arrived at and the allegations in the complaint disclose commission of a cognizable offence, the Investigating Officer at CAW Cell in case no settlement is arrived at, has no option but to recommend the case for registration of the FIR. Thus the allegations that threats were being extended to register the FIR is baseless and unwarranted.

7. As regards the rest of the allegations in the complaint dated 9th June, 2016 as noted above they are part and parcel of the complaint dated 28th August, 2015 to the SHO, PS Farsh Bazar on the basis of which complaint case along with an application under Section 156 (3) Cr.P.C. is pending before the learned Metropolitan Magistrate.

8. Hence the present petition is dismissed.

MUKTA GUPTA, J.

**FEBRUARY 15, 2017/‘vn’
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