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

+ W.P.(CRL) 1448/2017 and Crl. M.A. 7988-7989/2017

POOJA KAUSHIK AND ORS

..... Petitioners

Through: Mr. K.K. Manan, Sr. Advocate with Mr.  
Ankush Narang and Mr. Shweta Jain, Advocates

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Through: Ms. Nandita Rao, ASC for R-1/State  
with Insp. Vivek Pathak, STF Crime Branch  
Ms. Rebucca John, Sr. Advocate with Mr. Vishal  
Gosain, Mr. Harsh Bora, Mr. Nikhil Ahuja, Mr.  
Nicy Paulson and Mr. Chiran Kumar, Advocates  
for R-2

**CORAM:**

**HON'BLE MR. JUSTICE R.K.GAUBA**

**ORDER**

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**15.05.2017**

The first information report (FIR) no.49/2016 was registered in police station Pul Prahlad Pur for investigation into offences punishable under Sections 420, 468, 471, 506 and 34 of the Indian Penal Code, 1860 (IPC) pursuant to the directions by the court of Sessions by order dated 27.02.2016 in Criminal Revision no.90/2015 which had been taken out by the second respondent assailing the order dated 24.02.2015 passed by the court of the Metropolitan Magistrate on the file of complaint case no.106/3 dismissing the application under Section 156(3) of the Code of Criminal Procedure, 1973 (Cr. PC).

The Sessions court set aside the order of the Magistrate and directed registration of the FIR observing that the facts brought before the court required investigation by the police.

The background facts, to the extent relevant here, essentially are that the complainant and members of his family had been named in FIR 125/14 earlier registered with police station Pul Prahlad Pur at the instance of the first petitioner, alleging offences punishable under Sections 498A, 406, 354, 376 IPC, the dispute which is the subject matter of the said FIR having arisen from the discord in the matrimonial relationship between the first petitioner and her husband Amit Sharma, son of the second respondent herein. It appears during the course of investigation of the said earlier FIR, certain documents were handed over to the investigating officer in support of the claim that some part of the *istridhan* (jewellery) had been thereby purchased from a jeweller. The investigation carried out in the said FIR statedly revealed that the documents in question were forged.

It is this part of the controversy which has been agitated by the second respondent through FIR, which is sought to be quashed through the petition at hand, the prime contention being that the investigating officer had made the first petitioner sign on certain documents and that the averments made imputing acts of commission or omission leading to forgery or use of the forged documents for above mentioned purposes have been manufactured.

In the facts and circumstances, this court is of the opinion that it cannot be said at this stage, with certainty, without the matter being properly investigated, that the petitioners are sought to be falsely framed in the FIR. As observed by the learned Session court, the

questions of fact would need proper investigation and, therefore, no case for quashing is made out.

Dismissed.

**R.K.GAUBA, J**

**MAY 15, 2017**

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