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

+ **W.P.(CRL) 2404/2017**

ARVIND @ ROHIT

..... Petitioner

Through: Mr.Manoj Verma, Advocate with
petitioner in person.

versus

STATE & ANR

..... Respondent

Through: Mr.Ashish Aggarwal, ASC for the
State/R-1 with SI Khushbu Singh, PS
Kalyanpuri.
Complainant/R-2 in person.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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25.08.2017

CrI.M.A.No.13736/2017

1. Exemption allowed subject to all just exceptions.
2. Application is disposed of.

W.P.(CRL) 2404/2017

1. The instant petition has been filed by the petitioner under Section 482 Cr.P.C. praying for quashing of FIR No.5/2017 under Sections 354/354(A)/509 IPC and under Sections 8/10/12 of POCSO Act, PS Kalyan Puri, Delhi on the basis of no-objection given on affidavit by the complainant/R-2.
2. Notice. Learned ASC for the State/R-1 accepts notice.
3. Petitioner is present in person alongwith counsel. Complainant/R-2 Smt.Seema – mother of the child victim is also present.

4. The petitioner has been sent to face trial for committing the offence punishable under Sections 354/354(A)/509 IPC and under Sections 8/10/12 of POCSO Act, PS Kalyan Puri, Delhi on the basis of complaint made by the mother of the child victim.

5. As per the complaint, the daughter of the complainant, who was just aged about 6 years, informed her mother that the petitioner used to call her on the roof top on the pretext of giving her something and then take her to the bathroom on his roof top where after removing her pant, the petitioner used to touch her *susu* and show her indecent photographs and while abusing, used to say that she should not tell her parents.

6. As per the complaint, the child victim earlier also informed about this type of incident with her (child victim) to her husband and at that time, her husband cautioned her to take care of the child. But when her daughter again informed about such type of incident Police Control Room was informed and the case was registered.

7. In view of the decision of the Apex Court in Gian Singh v State of Punjab & Anr. 2012 (9) SCALE 257 and taking into consideration the nature and gravity of the allegations made against the petitioner, on the basis of which he has been charged for committing the offence punishable under Section 8/12 of POCSO Act and under Sections 354/354(A)/354(B) IPC, the prayer for quashing of FIR is declined.

8. The petition is dismissed.

PRATIBHA RANI, J.

AUGUST 25, 2017

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