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

+ **W.P.(CRL) 3158/2017**

AJIT KUMAR

..... Petitioner

Through: **Mr.J.Rajesh, Advocate**

versus

THE STATE GOVT OF NCT OF DELHI & ANR Respondents

Through: **Mr.Rajesh Mahajan, ASC for the
State with Mohit Sharma and
Ms.Jyoti Babbar, Advocates with
Insp.Nipun Gupta & SI Shri Gopal,
PS Shakarpur.**

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER
15.11.2017

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CRL.M.A.18677/2017

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL.) 3158/2017

1. The petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India with the following prayer:-

- i. *Pass an order quashing FIR No.2376/2015 under Sections 354D/506/509 IPC, registered at PS Shakarpur, New Delhi, on such terms and conditions that this Hon'ble Court may deem fit; and*
- ii. *Pass necessary orders and directions for an investigation of the corrupt and malafide action of the respondents.*

iii. *Pass any such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and thereby render justice."*

2. Learned counsel for the petitioner has submitted that the petitioner and respondent No.2 were close friends and this friendship continued even after respondent No.2 got married to one Mr.Kapil Tyagi. When the petitioner came to know about her marriage he confronted her and ended the relationship and asked her to stay away so that he could concentrate on his studies, as he was preparing for UPSC examination. The petitioner contended that false FIR has been got registered by the complainant at the instance of her husband just to tarnish his image and cause damage to his career.

3. After registration of FIR No.2376/2015 under Sections 354D/506/509 IPC, PS Shakarpur, Delhi the petitioner has joined investigation.

4. Learned counsel for the petitioner has submitted that the copy of the messages exchanged between the parties have been annexed to show the relationship that existed between them. Since the registration of FIR, police has been harassing the petitioner, while the friends of the complainant who are serving in the police are also harassing and threatening the petitioner for which he has filed complaints with the Commissioner of Police.

5. Learned for the petitioner submits that it being a false case, the FIR No.2376/2015 under Sections 354D/506/509 IPC, PS Shakarpur, Delhi may be quashed.

6. So far as investigation in case FIR No.2376/2015 is concerned, the investigation is yet to complete. The alleged harassment by the police officers has already been complained by the petitioner to the Commissioner of Police and he has also received e-mail informing him that the complaint

has been referred to the Joint Commissioner of Police, Eastern Range. When the matter is under investigation and the facts are incomplete, the scope of interference by this Court in exercise of power under Section 482 Cr.P.C or Article 226 of the Constitution of India is very limited.

7. The Hon'ble Supreme Court in *State of M.P. v. Awadh Kishore Gupta*, (2004) 1 SCC 691 held as under:-

“11. As noted above, the powers possessed by the High Court under Section 482 of the Code are very wide and the very plenitude of the power requires great caution in its exercise. Court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court being the highest Court of a State should normally refrain from giving a prima facie decision in a case where the entire facts are incomplete and hazy, more so, when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard-and-fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceedings at any stage. (See Janta Dal v. H.S. Chowdhary, (1992) 4 SCC 305 and Raghubir Saran (Dr) v. State of Bihar, AIR 1964 SC 1).

8. At this stage, the scope of interference being very limited, this Court will not delve into the matter for the purpose of sifting the evidence and venture a mini trial.

9. The petition is dismissed.

PRATIBHA RANI, J.

NOVEMBER 15, 2017

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