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

+ CRL.M.C. 4937/2017 & Crl. M.A. no. 19614/2017

ROHIT KUMAR

..... Petitioner

Through Mr. Surinder Anand, Mr. M.K. Khan,
Ms. Suganda Anand, Mr. Chander
Bhan Kumar, Advs.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through Mr. M.S. Oberoi, APP with ASI
Krishna, P.S. Nangloi for the State

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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28.11.2017

By this petition under Section 482 Cr.P.C., petitioner has prayed for quashing of the FIR No. 459/2017 under Sections 509/506/354(D) IPC registered at Police Station Nangloi on the complaint of respondent no. 3. Respondent no. 3 alleged in the FIR that her neighbour Rohit Kumar (petitioner) used to harass her by singing indecent songs and making obscene signs on seeing her. He was having evil eye on her. He even used to stalk her. Respondent no. 3 told about this act of petitioner to her husband, who made a made a complaint to petitioner's father. At this,

petitioner and his father abused him. They even threatened to kill him. On 7th August, 2017 at about 8:00 AM, when she was standing on the roof, petitioner threw a stone towards her which had a paper wrapped around it having his mobile number. Petitioner also had mobile number of respondent no.3 and used to call her. He threatened her that he would upload her obscene picture on the internet in case she shows any resistance.

Learned counsel for the petitioner has contended that petitioner has been falsely implicated. Petitioner is a student. Complainant fell in love with the petitioner and had even written letters to him. She used to sent messages to him. When this fact came to her husband's notice, she implicated the petitioner falsely, in this case.

Investigations are at the nascent stage. Allegations and counter-allegations have to be investigated. That apart, pleas taken by the petitioner are, at best, his defence and is subject matter of trial. Statement of the complainant cannot be disbelieved at this stage only because petitioner alleges the same to be untrue.

It is trite law that inherent power under Section 482 Cr.P.C. can be executed by the High Court sparingly and only in exceptional circumstances, in rarest of the rare case, where allegations taken on its face value do not

disclose ingredients of offence or that same are so absurd and inherently improbable.

For the foregoing reason, I am not inclined to quash the FIR. Petition is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

NOVEMBER 28, 2017
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