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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2585/2015**
SUNILA DASS

..... Petitioner

Through: Mr. Ankit Jain and Mr. Sarvesh Rai,
Advocates.

versus

STATE & ANR.

..... Respondents

Through: Mr. R.S. Kunu, ASC for State/R-1
with SI Bhart Singh, P.S. H.
Nizzamudin.
Mr. Beem Sain, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **01.12.2017**

This petition seeks quashing of FIR no. 628/2015 registered with Police Station, Hazrat Nizamuddin under section 380 of Indian Penal Code and also for quashing/setting aside of the impugned order dated 15.09.2015 passed by the learned Metropolitan Magistrate, Saket Courts, New Delhi.

In regard to the complaint filed by the petitioner, the impugned order records as under:-

"I have perused the record and considered the submissions. The complainant placed on record copy of complaint sent to SHO PS H.N.Din, copy of joint application u/o 23 Rule 3 CPC moved before Ld. Civil Judge, Ms. Vrinda Kumari, Copy of statement of Nikhil Kumar Sen/complainant herein and Rakesh Bhan Dass is placed with the copy of order dated 9.08.2010. The complainant has also placed on record application under Contempt of Courts Act moved by him before the Ld. Civil

Judge.

The allegations of the complainant prima facie disclose commission of cognizable offences. In these circumstances, SHO PS HND is directed to register FIR under relevant provision of law. Copy of order be sent to SHO through Naib Court and compliance report be called for 21.09.2015”.

From the records and the complaint, it emerges that the complainant's grievance was only against Mr. Rakesh Bhan Dass and not against the petitioner. Hence, the FIR was to be registered against him.

The registration of an FIR against the petitioner is not warranted.

In the circumstances, the petition is allowed and FIR no. 628/2015 registered with Police Station, Hazrat Nizamuddin against Ms. Sunila Dass, the petitioner, is hereby quashed.

NAJMI WAZIRI, J

DECEMBER 01, 2017

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