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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**DECIDED ON : 30<sup>th</sup> JANUARY, 2017**

+ **CRL.M.C. 5211/2015 & CRL.M.A.No.18775/2015**

COL. PRAVESH KUMAR MALHOTRA ..... Petitioner

Through : Mr.Vikram Singh Panwar, Advocate  
with Mr.Jenis Francis, Advocate.

versus

STATE ..... Respondent

Through : Mr.Amit Gupta, APP with SI  
Sandeep, PS V.K.N.  
Complainant in person.

**CORAM:**  
**HON'BLE MR. JUSTICE S.P.GARG**

**S.P.GARG, J. (Oral)**

1. Present petition under Section 482 Cr.P.C. has been preferred by the petitioner to challenge the legality and correctness of an order dated 20.08.2015 of learned Metropolitan Magistrate in case FIR No.667/2014 PS Vasant Kunj (North) whereby he has been summoned to face trial. Status report is on record.

2. I have heard the learned counsel for the parties; complainant in person and have examined the file.

3. It is a matter of record that the petitioner was put in column No.12 as the investigating agency did not find any sufficient material to charge-sheet him. I have enquired from the complainant if she has any

grievance against the present petitioner, to which, she has categorically stated that she has no grievance against the petitioner and does not intend to pursue complaint against him.

4. In her complaint forming basis of the FIR, main allegations were against Sanjay Gambhir and another. When the present petitioner did not initiate any action against them after the prosecutrix brought the complaint to his notice, she named him in the FIR. In 164 Cr.P.C. statement, however, no role has been assigned to the petitioner and he was not named therein. In 161 Cr.P.C. statement also recorded during investigation, the victim did not implicate the present petitioner. There is no other corroborating evidence on record.

5. Considering the facts and circumstances of the case, I find no sufficient material to take cognizance against the present petitioner for the aforesaid offences. The impugned order qua the petitioner cannot be sustained and is set aside.

6. The petition is allowed. Pending application also stands disposed of.

**(S.P.GARG)**  
**JUDGE**

**JANUARY 30, 2017 / tr**