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

+ CRL.M.C. 119/2017, CrI. M.A. Nos. 2010/2017, 12394/2017,
14386/2017, 15470/2017 & 20292/2017

PRAMOD SHRIVASTAVA Petitioner
Through Petitioner in person

versus

STATE & ORS Respondents
Through Ms. Manjeet Arya, APP
Mr. Harish Gulati, Ms. Deepti Gulati,
Mr. Anindya Malhotra and Mr.
Aseem Talwar, Advs. for respondent
no. 4

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **06.03.2018**

By this petition under Section 482 Cr.P.C., petitioner has prayed for quashing of the FIR no. 270/2015 under Section 452 IPC registered at Police Station Chanakyapuri on the complaint of Mr. Kiran Deep Singh, Chief Security Officer, The Times of India, 6, S.P. Marg, Chanakya Puri, New Delhi. Complainant has specifically alleged in the FIR that on 31st October, 2015 a religious meeting was to take place at 6, S.P Marg, Delhi in the evening. Petitioner entered in the premises covering his face with a shawl along with two Jain saints. Since petitioner's face was covered, guards got

confused and could not recognise him. Petitioner entered the premises at about 4:16 pm with the intention to harm residents/staff and commit some criminal activity. After staff recognized petitioner they stopped him at which petitioner started abusing the staff. He threatened them. He even came upto the drawing room with the intent to harm senior officials. Entry of the petitioner was recorded in the CCTV. Police was called and FIR was got registered.

Learned APP submits that investigations are complete and charge-sheet has been filed. CCTV footage was retrieved and has been filed along with the charge-sheet. Petitioner's presence is shown in the CCTV footage. Statements of staff under Section 161 Cr.P.C. were also recorded, which corroborate the FIR.

Petitioner has vehemently contended that FIR has been lodged against the petitioner malafidely and is false, frivolous and bogus. Petitioner submits that when he entered, no resistance was offered to him. Later he was falsely implicated in this case on the instructions of the senior officers of Times of India.

At this stage, contents of the FIR and other relevant material collected during the investigation including the statements under section 161 Cr.P.C.

have to be taken on its face value, which attracts the ingredients of offence alleged against the petitioner. Allegations and counter allegations are subject matter of trial and can be verified only after the evidence of the witnesses is recorded. At this stage, averments made in the FIR cannot be ignored, merely because petitioner contends that the same are frivolous, baseless and bogus. CCTV footage has already been recovered and has been placed on record along with the charge-sheet. Cognizance has also been taken by the Magistrate. Trial will take its own course. High Court in exercise of inherent jurisdiction under Section 482 Cr.P.C., can step in and quash the FIR only in rare cases where no offence is made out from a bare reading of FIR or is satisfied that continuance of proceedings will result to miscarriage of justice. No case is made out for quashing of the FIR, in view of the statements of the witnesses and other material collected during the investigation.

For the foregoing reasons, petition is dismissed. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

MARCH 06, 2018
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