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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 229/2018**
HIMANSHI SAINI

..... Petitioner

Through Mr.S.K.Mishra, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ORS

..... Respondents

Through Mr.Piyush Singhal for Mr.Ashish
Aggarwal, ASC for State.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **22.01.2018**

CrI.M.A.No.1310/2018 (exemption)

Exemption is allowed subject to just exceptions. Application disposed of.

W.P.(CRL) 229/2018

Present petitioner is seeking an investigation into the matter. Submission is that the FIR No.0002/2018 which was registered on 02.01.2018 is not being investigated fairly.

This submission is opposed by learned counsel for the State. Learned counsel for the State informs this Court that on 04.01.2018 statement of the petitioner had been recorded under Section 162 Cr.P.C. She had not supported the version now set up in the present petition. No allegation has been levelled against any person. In the

statement under Section 164 Cr.P.C. recorded on 05.01.2018 she stuck to her statement as was given by her under Section 162 Cr.P.C. On 04.01.2018 she refused medical examination. However, on 08.01.2018 before the Child Welfare Committee she had made a statement of threat. Even then no allegation of offence under Section 376 of the IPC had been levelled against any person.

By way of the present petition, this Court has been informed that she had levelled allegation of rape against one Ravinder Bhati. She had also moved an application under Section 164 Cr.P.C. seeking permission of the Court to record a supplementary statement. This application was filed on 16.01.2018 and the matter is now fixed before the concerned Metropolitan Magistrate for hearing of the said application on 23.01.2018. The apprehension of the petitioner is that this statement may not be recorded; submission being that on earlier dates also had not supported the case for the reason that she was threatened; the learned Metropolitan Magistrate may not record her supplementary statement.

In this background, learned concerned Metropolitan Magistrate will get recorded a supplementary statement under Section 164 Cr.P.C.

Needless to state that the effect of such a statement will be appreciated by the appropriate Court at the appropriate stage.

Investigating Officer shall also ensure that the petitioner does not suffer any threat as has been mentioned by her in the petition. Concerned SHO and Beat Constable shall be informed of the order and necessary action shall be taken by them. Mobile numbers of the

SHO and the Beat Constable shall be given to the petitioner and in case of need or emergency she may contact them. On her doing the needful, adequate police protection be afforded to her.

Petition is disposed of in the above terms.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

JANUARY 22, 2018

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