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

+ CRL.M.C. 447/2018 & CrI. M.A. No. 1217/2018

SACHIN KUMAR Petitioner
Through Mr. Yogesh Sharma, Adv.

versus

THE STATE GOVT OF NCT OF DELHI Respondent
Through Mr. G.M. Farooqui, APP with ASI
Rajender Kumar, P.S. DIU/KT

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **30.01.2018**

Petitioner has prayed for quashing of the FIR No. 281/2017 under Sections 323/341/506/34 IPC registered at Police Station Bawana. It is contended that FIR has been filed as an afterthought by the complainant Smt. Murti Devi after seven day of registration of the FIR No. 268/2017 on the complaint of elder brother of petitioner regarding the incident dated 30th June, 2017 wherein petitioner was beaten up, inasmuch as a gunshot was fired at him by the family members of Smt. Murti Devi who are accused in the said FIR.

Learned APP submits that complaint was given by the complainant Smt. Murti Devi on the same day, however, the cross FIR was registered

after seven days.

Investigations are at the nascent stage. Statements made in the FIR are being investigated. This is the cross FIR registered regarding incident dated 30th June, 2017. It is settled law that delay in lodging the FIR itself is not always fatal, it is explained during the trial.

Investigations are at the initial stage. Merely because the cross FIR has been registered after some delay by itself, is not a ground to conclude that the same has been filed maliciously. At this stage, statement of the complainant and other witnesses cannot be ignored and have to be taken at its face value.

For the foregoing reasons, I do not find any ground to quash the FIR, in exercise of inherent powers of this Court, under Section 482 Cr.P.C.

Petition is dismissed with costs of ₹10,000/- to be deposited by the petitioner with Delhi High Court Legal Services Committee within four weeks. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

JANUARY 30, 2018

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