

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

% Decided on: 10th January, 2018

+ **W.P.(CRL) 407/2017 & CrI.M.As. 2215-2216/2017**

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..... Petitioner
Represented by: Mr. Nikhil Borwankar, Mr.
Pankaj Sharma, Mr. Vikram
Singh Kushwaha, Mr. David
Vijay Thomas, Mr. Roopensau
Pratap Singh, Advs.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent
Represented by: Mr. Avi Singh, ASC with Ms.
Purnima Malik, Adv. for Insp
Mukesh Kr., WSI Maneeta PS
Sangam Vihar.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

1. The prayers in the present petition are inter-alia quashing the charge-sheet dated 10th January, 2015 pursuant to FIR No.497/2014 registered at PS Sangam Vihar for offences punishable under Sections 363/376 IPC filed before the learned Special Additional Sessions Judge/ Fast Tract Court, Saket, de-novo investigation, directions to the learned MM Saket Court to expeditiously dispose of Criminal Complaint CC No.32127/2014 at PS Sangam Vihar.

2. Case of the petitioner is that she made a PCR call on the 21st September, 2014 to lodge a complaint under Section 363/376 IPC against the accused namely Pradeep. On arrival the PCR Van took the petitioner to PS Sangam Vihar, however instead of lodging the complaint she was pressurised to withdraw her complaint including by the NGO concerned. On 22nd September, 2014 the petitioner was compelled to enter into illegal marriage with the accused. On 23rd September, 2014 the petitioner managed to escape with the aid of her sister and lodged a complaint of rape against Pradeep and the illegal activities of the Police Officers and the number of NGO. On the intervention of the DCP (South-East) FIR No.497/2014 was registered under Section 328/343/376/363 IPC at PS Sangam Vihar. However, the investigating officer did not record the statements and produced the petitioner before the learned Metropolitan Magistrate before him she made her complete statement.

3. Since the petitioner was receiving constant threats and the associates of the accused barged into her house, she filed a complaint before the learned Metropolitan Magistrate under Section 156(3) Cr.P.C. being CC No.32127/2014 which is pending before the said Court. In the FIR lodged by the petitioner i.e. FIR No.497/2014 charge-sheet has been filed and the learned Fast Track Court having taken cognizance of offences has framed charges against accused under Section 376/343 IPC and the evidence thereon has commenced. The grievance of the petitioner is that in the first instance her FIR was not lodged.

4. A status report has been filed. As per the status report on receipt of the PCR call the same was entrusted to SI Margarita Kullu who called Ms. Rama from NGO Jeevan Jyoti and she recorded the statement of the

petitioner in presence of Ms. Rama and complainant's mother. However, the petitioner refused to undergo internal gynaecological medical examination. Further the petitioner in her statement mentioned that the mother of the accused was not agreeable on some issues regarding the petitioner's marriage with the accused. Therefore she had made the call. She had also stated that she had established physical relations with Pradeep with her own consent and free will and did not want Police Action. Though the petitioner solemnized the marriage on 22nd September, 2014 but she did not disclose this fact in any of her statements and lodged a fresh complaint of rape against Pradeep. On the fresh complaint lodged FIR No.497/2014 as noted above was registered and charge-sheet has already been filed. Despite detailed enquiry no dereliction of duty was found against the investigating officer. As regards the subsequent alleged action of the people who trespassed into the house of complainant and the Police officers and NGO worker, complaints has already been filed by the petitioner before the Court.

5. Since the version of the complainant in the statement under Section 164 Cr.P.C. is before the Court, thus any appropriate action which is warranted is for the Court concerned to take and no further investigation is warranted nor can this Court direct de-novo investigation in the facts and circumstances of the case based on the averments in the petition.

6. Petition and applications are accordingly dismissed.

(MUKTA GUPTA)
JUDGE

JANUARY 10, 2018
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