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

+ CRL.M.C. 2319/2016 & Crl.M.A Nos.9703-9704/2016

SABIHA QUADRI Petitioner
Through: Mr.Pradeep Kumar Mittal, Adv.

versus

STATE & ANR Respondents
Through: Mr.Ravi Nayak, APP for State.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
16.07.2018

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The petitioners stand summoned as accused by the court of Metropolitan Magistrate on the basis of report under Section 173 of the Code of Criminal Procedure, 1973 submitted on conclusion of investigation in the FIR No.730/2014, P.S. Geeta Colony for the offence under Sections 323/341/506 and 34 IPC.

She invokes the jurisdiction of this Court under Section 484 of the Code of Criminal Procedure, 1973 to pray for quashing of the criminal proceedings arising out of the said charge sheet on the ground that the case was investigated into by the police officer of the rank of head constable and that the case has been lodged at the instance of her husband who is a serving police officer in the rank of sub Inspection of Delhi Police.

By the second contention as a matter of defence, it cannot be decided without enquiry, the first submission is also found to be devoid to substance inasmuch as copy of the charge sheet submitted on record clearly reveals

that it was submitted by the Station House Officer of the police station holding the rank of Inspector and the charge sheet was counter signed by Asst. Commissioner of Police, Incharge of sub-division.

The petition and the pending applications are dismissed accordingly.

R.K.GAUBA, J

JULY 16, 2018
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