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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 1720/2016

CHANDRA MOHAN MOURYA @ ANIL & ORS

..... Petitioners

Through: Mr Rohit Kaliyar, Adv

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr Sanjay Lao, ASC with
Mr Siddharth Sindhu, Adv with SI
Yogender for State
Mr Arvind Kumar, Adv for R-2

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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10.01.2018

Petitioner is seeking quashing of present FIR i.e, FIR No. 225/2015 registered under Section 354/354A/452/509 of the IPC at PS Gulabi Bagh on the complaint of one 'B'.

Charge sheet has since been filed. The learned counsel for petitioner No. 1 points out the incident had never occurred (as has been disclosed by the complainant); moreover the CCTV footage produced by the Dental Council of India (in related proceedings) would reflect that petitioner No. 1 was even otherwise not present at the spot. The next date fixed before the learned trial judge is 24.02.2018. Charges are yet to be framed. This Court has further been informed that on 13.08.2016 the learned Court had passed an order asking the DCI (Dental Council of India) to preserve the

original CCTV footage. Summons had also been issued to the DCI to produce the said record. The trial Court before framing of charge will examine this submission of petitioner No. 1 that he was not present at the spot at the time of the incident and for this purpose the necessary CCTV footage shall be examined by the trial Court before arriving at any finding. The charge sheet filed in related proceedings registered against respondent No. 2 (complainant) under Section 182 of the IPC pending before the learned MM, Gulabi Bagh shall also be considered by the trial Court before coming to an appropriate finding.

Petition disposed of in the above terms.

INDERMEET KAUR, J

JANUARY 10, 2018
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