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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3946/2018
SABRIN KAUSHAR Petitioner
Through: Petitioner in person.
versus

THE STATE (GOVT. NCT OF DELHI)& ANR..... Respondents
Through: Ms. Manjit Arya, APP for State with
W/SI Seema Batham, Special Branch.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK
ORDER
% **07.08.2018**

Petitioner filed an application under Section 156(3) Cr.P.C. before the learned Metropolitan Magistrate, Delhi. She mentioned in the application that on her complaint FIR No. 716/2017 under Sections 354C/376 IPC was registered against Mohd. Yasin Ansari (respondent no. 5), who was her neighbour. She alleged in the said FIR that Mohd. Yasin Ansari made her nude video while she was taking bath in her bathroom. Later on, he raped her. Petitioner alleged in the application under Section 156(3) Cr.P.C. that during the pendency of trial in respect of aforesaid FIR respondent no.5 along with his father, brother and friends (respondent nos. 2 to 4 and 6 and 7) came to her house and abused and slapped her, inasmuch as, threatened her that if the earlier case was not withdrawn by her she and her family

would face serious consequences. She alleged that a complaint was made in this regard at police station Gokul Puri on 4th January, 2018 but no action was taken.

Action taken report was called by the learned Metropolitan Magistrate. W/SI Anita of police station Gokul Puri submitted the report stating therein that in status report that she went to the spot, that is, house no. F-198, Gali No. 27, Old Mustafabad, Delhi and made enquiries from the persons living in the locality who informed that on 4th January, 2018 at about 8 pm no such incident took place. On checking record of PCR register no call of any such incident was found to had been recorded. Petitioner did not approach any hospital for her medical examination.

Learned Metropolitan Magistrate has observed that all the facts and circumstances were within the knowledge of petitioner. Identity of the accused was also known to complainant as she had named them. No collection of evidence was required by the police. While dismissing application under Section 156(3) Cr.P.C; learned Metropolitan Magistrate decided to proceed with the complaint under Section 200 Cr.P.C and the matter was fixed for 12th October, 2018 for examination of complainant and her witnesses.

Petitioner filed a Revision Petition before the learned Session Judge which has been dismissed by the learned Additional Sessions Judge-02, North East, Karkardooma Court, Delhi vide order dated 9th July, 2018. Learned ASJ concurred with the view taken by the learned Metropolitan Magistrate.

I do not find any perversity in the view taken by the courts below which is based on the material placed on record, more particularly action taken report. I have also perused the report submitted by W/SI Anita. It is clear that all the facts and circumstances are within the knowledge of the petitioner. No PCR call was made, which is evident from the PCR Register dated 4th January, 2018. Neighbours stated that no such incident took place. It is also clear that all the facts and circumstances are within the knowledge of petitioner. Veracity of petitioner's version can be tested in the complaint under Section 200 Cr.P.C., which is pending before the Metropolitan Magistrate.

For the foregoing reasons, present petition under Section 482 Cr.P.C. is dismissed. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

AUGUST 07, 2018/ga