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

+ CRL.M.C. 4032/2018 and Crl. M.A. 29735-29736/2018

ANITA AGGARWAL

..... Petitioner

Through: Mr. ARvind Vashistha and Mr. Harish
Bhardwaj, Advocates

versus

STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Mr. Amit Ahlawat, APP for the State
with SI Davendra Kumar, PS Dabri

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **10.08.2018**

On the statement of the petitioner recorded on 16.10.2014, FIR no.880/2014 was registered in police station Dabri and investigation into alleged offences under Sections 323, 354B, 506, 34 IPC taken up. On conclusion of investigation, report under Section 173 Cr. PC was submitted on 13.04.2015 seeking trial of two persons, they including the second respondent Raj Kumar and his son Rajesh. The Metropolitan Magistrate took cognizance and issued process. The question of charge was considered on 06.10.2015. By order passed on the said date, the second respondent was discharged while his son Rajesh Kumar was put to trial on charges framed for the aforementioned offences.

The State feeling aggrieved took out revisional challenge before the court of Sessions by filing petition (CR no. 440169/2016). The revision petition questioning the discharge of the second respondent was dismissed by detailed order dated 31.10.2017. The said order is now challenged by the complainant through this petition under Section 482 Cr.PC.

Having heard the counsel for the petitioner and having gone through the record, this court finds no error or impropriety in the view taken by the courts below. Though it does appear from the FIR that some provocation was given by the second respondent but that does not constitute the offences alleged in the case. In the crucial part of the incident, the son of the second respondent namely Rajesh Kumar only committed the acts of commission or omission which constitute the offences. There is no role attributed to the second respondent at that stage.

The petition and the application filed therewith are dismissed.

AUGUST 10, 2018

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R.K.GAUBA, J

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