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

+ CRL.M.C. 3108/2016 and CrI.M.A.13359/2016, 13875-13876/2016

NITIN MAHAJAN & ORS

..... Petitioners

Through: Mr. Ashok Kumar, Advocate

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Ashish Dutta, APP for the State
with SI Mukesh Yadav, PS Jagatpuri.
Mr. Deepak Tyagi, Advocate with
Mr. K.K. Gautam, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **25.07.2018**

The petition at hand invokes the jurisdiction of this court under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to pray for quashing of the criminal case arising out of FIR No.315/2014 of Police Station Jagatpuri, Delhi involving offences punishable under Sections 376(2)(f)/354/354A/354C/323/34 of the Indian Penal Code, 1860 (IPC), primarily on the ground that the accusations made against the petitioners in the said case are false, concocted and motivated.

The learned counsel for the second respondent, the complainant of the case, points out that pursuant to the report under Section 173 Cr.P.C., which was filed by the police on conclusion of the investigation, cognizance was taken including against the petitioners by the competent court and that after the presence of the accused persons including the petitioner had been

secured, the question of charge has also been addressed and by order dated 15.05.2018 charge has been ordered to be framed against petitioner Shashi Kumar Mahajan for offences punishable under Sections 354A/354/354C/498A IPC and Sections 3 & 4 of the Dowry Prohibition Act, 1961. Similarly, charges have been framed against other petitioners Rashmi Mahajan and Nitin Mahajan for offences punishable under Sections 498-A/323/34 IPC and Sections 3 & 4 of the Dowry Prohibition Act, 1961.

The fact that charges have been found to be made out for putting the petitioners on trial itself indicates that that trial court has concluded on the basis of evidence presented before it that the case against the petitioners is not unfounded. The order framing charge has been challenged by another separate petition under Section 482 Cr.P.C. subsequently. In this view, the petition at hand does not survive. It is disposed of accordingly.

Pending applications also stand disposed of.

R.K.GAUBA, J.

JULY 25, 2018

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CRL.M.C. 3108/2016

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