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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4519/2018 & CRL.M.A. 31501-02/2018**
JYOTSNA BHALLA Petitioner
Through: Mr. S.K. Bhalla, Adv.

versus

STATE (GOVT. OF N.C.T. OF DELHI) Respondent
Through: Mr. Amit Ahlawat, APP for the State
with ASI Rohtash, PS Saket.

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

ORDER
% **06.09.2018**

The petitioner, a middle aged woman, a practitioner in law, is the complainant in the case registered as first information report (FIR) no. 231/2018 of police station Saket alleging offence under Section 354 – D of Indian Penal Code, 1860 (IPC). Her statement under Section 164 of the Code of Criminal Procedure, 1973 (Cr.P.C.) was recorded on 25.04.2018 by the Metropolitan Magistrate, copy thereof forming part of police file, as shown during the hearing, indicates that she was present along with her father, a practising lawyer. After her statement had been recorded, she had lodged a protest petition before District Judge, South by an application styled as objection dated 26.04.2018 taking exception to the manner in which her statement was recorded, her version being that instead of recording the narration of incident, as volunteered by her, the Magistrate had put her under cross-examination, putting certain questions which were

irrelevant and making omission of certain facts. The said application appears to have been made over to the Chief Metropolitan Magistrate, South, who, by order dated 28.04.2018 held that there was no need for the second statement under Section 164 Cr.P.C. to be recorded in the given factual background. It appears that the petitioner had thereafter moved another application with similar prayer which was declined by order dated 15.05.2018 of the Magistrate. The said orders are assailed by the present petition at hand filed more than four months thereafter.

At the hearing, the learned counsel for the petitioner, who incidentally happens to be the father of the petitioner, submitted that he would feel satisfied if his protest petition lodged before the District Judge, South is also read along with the statement under Section 164 Cr.P.C. which was recorded by the Metropolitan Magistrate on 25.04.2018. The learned public prosecutor, on instructions, submits that this being fair as and when the statement under Section 164 Cr.P.C. is submitted, the protest petition will also be referred to and submitted along with the statement under Section 164 Cr.P.C., for consideration by the court of cognizance and, if cognizance is taken, by the trial court. This undertaking of the investigating agency having been recorded, no further directions are called for.

The petition is disposed of.

Dasti to both sides under the signatures of Court Master.

R.K.GAUBA, J

SEPTEMBER 06, 2018

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