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

+ CRL.M.C. 2746/2017

MINNI CHAUDHARY

..... Petitioner

Through: Mr. Medhanshu Tripathi and Mr.
Ashiwan Mishra, Advs.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondent

Through: Ms. Aashaa Tiwari, APP for State with
SI Arvind Kumar, IGIS/Crime Branch.
Mr. Anupam Sharma, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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24.08.2018

1. By this petition under Section 482 of the Code of Criminal Procedure, 1908 (Cr.P.C), petitioner has prayed for quashing of two FIRs, that is, (a) FIR No. 109/2016 under Sections 420/468/471 IPC registered at police station Tilak Marg and (b) FIR No. 374/2015 under Sections 506/384 IPC registered police station Sector-23, Dwarka. However, during the course of hearing, learned counsel for the petitioner has pressed the prayer of quashing of FIR No. 109/2016 only. A perusal of said FIR shows that the same has been registered under Sections 420/468/471 IPC on the complaint of respondent no.2.
2. It is noted that investigations are at the nascent stage. Facts alleged by the respondent no.2/complainant have yet to be verified in the investigation. It is not the case that the facts alleged do not disclose ingredients of offences alleged. Complainant has alleged in the FIR that he and petitioner got married

as per the Muslim rites since complainant's first marriage was still subsisting. Petitioner was aware of this fact. One daughter was born from their wedlock in the year 1995. However, later on vide Talaqnama dated 27th June, 2001 their marriage was dissolved. Complainant paid ₹9 lacs to petitioner towards maintenance, mahr etc. Subsequently, ₹6 lacs was again paid by the complainant to petitioner, for the daughter's maintenance, pursuant to the Agreement dated 28th June, 2001. Despite this petitioner filed a petition under Section 125 Cr.P.C., which was dismissed by the trial court vide order dated 19th January, 2015. Petitioner filed a Revision Petition in the High Court, wherein she annexed a forged receipt purportedly executed by the complainant, to the effect that complainant had taken loan of ₹2,25,000/- from the petitioner. Complainant had paid ₹15 lacs to petitioner, thus, there was no occasion for him to take any loan from the petitioner. Specific allegations have been levelled in the FIR that petitioner had forged the aforesaid receipt.

3. Learned APP submits that petitioner is not co-operating in the investigation and has not even handed over the original receipt to the Investigating Officer.

4. Learned counsel for the petitioner submits that respondent no.2 has lodged the FIR on the false allegations only to harass and victimize the petitioner, therefore, continuance of investigation will be abuse of process of

law resulting in miscarriage of justice. Learned counsel has further contended that petitioner had sent the receipt as well as admitted signatures of respondent no.2 to Truth Labs Forensic Services which has given its report to the effect that signatures on the receipt are that of respondent no.2/complainant. Per contra, learned counsel for the respondent no.2 submits that receipt has been forged and fabricated by the petitioner and specific allegation to this effect have been made in the FIR, inasmuch as, opinion of FSL (a Govt. Forensic Laboratory) is yet to be taken, which will show that petitioner had forged the receipt. FIR cannot be quashed merely because petitioner contends that FIR is based on false allegations. Truth lab is a private laboratory. Even otherwise, the report has to be proved in accordance with law and cannot be accepted as correct without a trial. Allegations and counter allegations have to be verified in investigation and/or in trial as the case may be.

5. It is trite law that, at this stage, the allegations in the FIR have to be taken as correct on its face value and veracity of the allegations has to be tested during the investigation and/or trial, as the case may be. High Court will quash the FIR only in rarest of rare cases and in exceptional circumstances. The powers under Section 482 Cr.P.C. can be sparingly invoked with circumspection, so as to ensure that provision of law is not abused or misused. Such power can be exercised if facts alleged in the FIR do not disclose any

offence or are frivolous. High Court has not to embark upon an enquiry as to probability, rationality or genuineness of allegations made in the FIR, which have to be taken as correct on its face value at this initial stage. In my view FIR discloses ingredients of offences alleged. Veracity of version as contained in the FIR is yet to be verified. No case is made out for quashing of the FIR, in the above facts.

6. For the foregoing reasons, petition is dismissed with costs of ₹25,000/- to be deposited by the petitioner in Kerala Chief Minister's Distress Relief Fund, within two weeks. No other petition of petitioner shall be entertained by the Registry until copy of the receipt, evidencing the deposit of costs, is produced/filed. Miscellaneous application is disposed of as infructuous.

AUGUST 24, 2018/ga

A.K. PATHAK, J.