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

+ CRL.M.C. 4527/2016 and Crl.M.A.18926/2016

RAMESH CHAND VERMA

..... Petitioner

Through: Mr.Nikhlesh Joshi proxy counsel for
Ms. Anu Narula, Advocate

versus

STATE & ANR

..... Respondent

Through: Mr. Akshai Malik, APP for the State
with SI Anand Prakash, PS Tilak
Nagar.
Mr. Sumer Sethi, *Amicus Curiae*

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **16.08.2018**

Allegations have been made in the first information report (FIR) No.1792/2015, registered at the instance of the second respondent by Police Station Tilak Nagar, involving offences punishable under Sections 376/506 of the Indian Penal Code, 1860 (IPC). It appears that during the course of statement of the prosecutrix under Section 164 of the Code of Criminal Procedure, 1973 (Cr.P.C.), allegations of rape were also levelled against other persons including Pawan Jain. While Pawan Jain was arrested, the presence of the petitioner herein could not be secured. The investigating agency filed a report under Section 173 Cr.P.C. on 22.03.2016 seeking trial of said Pawan Jain, while indicating that further investigation against the petitioner was pending.

The petitioner not having appeared, the investigating agency obtained duress process against him including under Section 82 Cr.P.C. Against the said backdrop, on his application anticipatory bail was granted to him by this court on 18.05.2016. Thereafter, the petitioner appeared before the investigating agency which concluded the investigation and filed supplementary charge-sheet dated 02.06.2016.

The present petition under Section 482 Cr.P.C. was filed with the prayer that the proceedings in the aforementioned FIR be quashed on the ground allegations made therein are false, baseless and engineered to wreck personal vengeance against him.

The second respondent has resisted the petition by filing a detailed reply reiterating her allegations in the case.

The criminal case arising out of the afore-mentioned charge sheet, meanwhile has remained pending before the court of Sessions, where it was committed in due course by the court of cognizance, it now being listed on 11.09.2018 for consideration of charge.

From the averments made in the petition and the reply filed, particularly, by the second respondent (the prosecutrix) questions of fact arise which cannot be properly addressed in the jurisdiction under Section 482 Cr.P.C.

In the given background, it is desirable that the contentions raised by the petitioner are reserved to be presented before the court of Sessions where the case is pending at the stage of consideration of charge and, if need be thereafter during the trial.

Ordered accordingly.

No case is made out for interference under Section 482 Cr.P.C. by this court.

The petition and the application filed therewith stand disposed of with these observations.

AUGUST 16, 2018
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R.K.GAUBA, J.