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

+ **W.P.(CRL) 3205/2018**

MS. POOJA

..... Petitioner

Represented by: Mr. B.P. Sharma and Ms. Jyoti,
Advocates.

versus

STATE & ORS.

..... Respondent

Represented by: Mr. Rajesh Mahajan, ASC with Ms.
Jyoti Babbar, Advocate with SI
Omveer Singh, PS Nand Nagari.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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07.12.2018

Crl.M.A. No. 34524/2018 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 3205/2018 and Crl.M.A. No. 34523/2018

By this petition, the petitioner only prays directions to the respondents to record the statement of the petitioner under Section 164 Cr.P.C.

On a notice being issued a status report has been filed. As per the status report the petitioner is an accused in case FIR No. 383/2018 under Section 380 IPC dated 12th June, 2018 registered on the complaint of Dr. Pratap Vedi wherein proceedings under Section 82/83 Cr.P.C. are pending against the petitioner.

It is further stated that the allegations of Dr. Pratap Vedi was that on 1st June, 2018 the petitioner came to his clinic and asked for a job and after sometime she wished to go to the toilet. The complainant gave the keys of

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his room which was on the first floor to visit the washroom and she went to the first floor. She came down after 15-20 minutes. On 4th June, 2018 the complainant needed money and when he checked his almirah he found that jewellery worth ₹6 lakhs and cash ₹2 lakhs was missing. He recalled the incident of 1st June, 2018. When he confronted the petitioner with the theft she returned ₹20,000/- cash with two gold rings.

On 11th July, 2018 the petitioner gave a complaint stating that her brother was working as part time assistant with Pratap Vedi at A-4/493, Nand Nagri and she visited the clinic for assisting Dr. Pratap Vedi. It is alleged that on 1st June, 2018 Dr. Pratap Vedi called her at 1:00 PM due to emergency. He offered her cold drink whereafter she felt unconscious and when she woke up around after two hours she felt severe pain in her body. Since the petitioner has not joined the investigation after making of the complaint dated 11th July, 2018 no further investigation could be carried out.

Whether statement under Section 164 Cr.P.C. is required to be recorded is a decision to be taken by the Investigating Officer and given the background of this case, this Court finds no ground to pass any directions as prayed for.

Petition is dismissed.

MUKTA GUPTA, J.

DECEMBER 07, 2018
‘yo’