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

+ **W.P.(CRL) 3161/2018 and Crl. M.A. No. 47465/2018**

MS. ARSHI Petitioner
Represented by: **Mr. Hemant Choudhary and Ms. Pooja Marwah, Advocates.**

versus

STATE & ORS. Respondents
Represented by: **Mr. Rajesh Mahajan, Additional Standing Counsel for State with WSI Pankaj Negi, PS Crime Branch.**

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
22.11.2018

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1. By this petition, petitioner seeks directions to respondent Nos. 1 to 3 to restrain the accused named in FIR No. 215/2018 from approaching or contacting the petitioner or her daughter, submit the status report of investigation and provide security to the petitioner and her children.

2. On a notice being issued a status report has been filed. As per the status report, accused had been visiting the petitioner frequently and has assaulted her sexually and thereafter blackmailed her. It is the case of the petitioner that she conceived in July, 2017 and was asked to abort the child but she refused and gave birth to a male child on 5th March, 2018 at her home. FIR No.215/2018 under Sections 376/363/328/506/34 IPC and Section 8 of the Protection of Children from Sexual Offences Act (in short

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‘POCSO’) was registered at PS Sadar Bazar and pursuant to the investigation carried out a charge sheet has been filed for offences punishable under Sections 354/354A/506/34 IPC and Sections 8 and 9 POCSO Act.

3. Petitioner also filed an application being Crl. M.A. No. 47465/2018 before this Court stating that she was being defamed in the neighbourhood to which this Court asked the State to file a status report.

4. Learned Additional Standing Counsel for State submits that though the case of the petitioner is that a male child was born from the sexual intercourse carried out with her however, after registration of the FIR petitioner refused to undergo the internal medical examination, provided no proof of the child birth in the form of any hospital record, or vaccination/immunisation record or any photograph which would show that a child was born from the said intercourse.

5. Learned counsel for the petitioner states that the child was born at home and the petitioner has no records nor any photograph nor any other evidence to show that a child was born.

6. Be that as it may, as noted above the investigation is concluded and charge sheet has already been filed.

7. As regards the prayer for protection is concerned, status report has been filed as per which SI Vineeta provided her mobile phone to the petitioner so as to contact her whenever she needed any help and also visited the place of the petitioner along with the lady staff for the purpose of providing her security but the petitioner reiterated and stated that whenever she needs any help she would call SI Vineeta. It is stated that after her

refusal to accept security from SI Veenita, chowki in-charge along with lady staff also visited the house of the petitioner to provide security wherein again the petitioner reiterated her earlier stand.

8. Considering the facts noted above no further orders are called for in the writ petition or in the application.

9. Petition and application are dismissed.

MUKTA GUPTA, J.

NOVEMBER 22, 2018

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