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

+ W.P.(CRL) 2773/2017 and Crl. M.A. No. 15950/2017 (stay)

NAND LAL

..... Petitioner

Represented by: Mr. Gautam Khazanchi, Adv

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Represented by: Mr. Rahul Mehra, Std. Counsel
(Crl.) GNCTD with
SI Sachin Kumar, PS South
Campus

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.09.2018

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1. By this petition petitioner had prayed for fresh / *de novo*/ further investigation in case FIR No.321/2016 under sections 354A/354D/506 IPC registered at police station South Campus and for quashing of summoning order dated 30th June, 2017 passed by the trial court besides quashing of Crl. Case No. 3410/2017 pending before learned Metropolitan Magistrate, Patiala House Courts.

2. The above noted FIR was registered on the complaint of Ms. 'N' who alleged that while she was working in a house in Anand Niketan, where a driver namely Dinesh was also working at same house. Nanda, a friend of the driver, i.e., the petitioner used to regularly visit him in the house. After sometime, she left the work in the said house but the petitioner continued to

follow her and sometimes used to hold her hand in the middle of the road. He used to express his desire to marry her after divorcing his wife. On 25th September, 2016 the petitioner followed her to Union Bank of India and insisted on reply of the complainant on the same date and when she said that she would lodge an FIR against him, the petitioner fled from the spot. After registration of FIR, statement of complainant (victim) under Section 164 Cr.P.C. was recorded and it was sought to be found out if any CCTV camera was installed near the bank to corroborate the version of the victim. However, no CCTV camera was found installed in the said vicinity.

3. During the course of investigation, petitioner had handed over two complaints stating that the allegations against him were false and frivolous and that the complainant had falsely implicated him. It is the case of the police that in the complaints, the petitioner had not handed over any CD/phone, hence charge sheet was filed in the above noted FIR before the learned Metropolitan Magistrate on 30th June, 2017 when learned Trial Court took cognizance of the offence, whereafter the petitioner preferred the above mentioned writ petition wherein this Court vide its order dated 11th January, 2018, on the basis of material available on record of this petition, directed a detailed status report to be filed by the DCP concerned indicating as to who monitored the investigation and what directions were given to the Investigating Officer when these complaints were received. This Court further directed that till the next date of hearing learned trial court may not proceed with the hearing of the arguments on charge.

4. In the status report filed on behalf of the DCP, it is submitted that during further investigation a request for call detail records of petitioner and

complainant was sent to CDR Cell South West District and call details records were obtained. Further, the petitioner produced a CD containing conversation between him and the complainant, which was seized and sent to FSL.

5. Learned Standing Counsel for the State submits that report of FSL has been received and no tampering has been found with the CD. Learned Standing Counsel for the State, on instructions from the Investigation Officer, submits that in view of further investigations carried out, supplementary report will be filed before the learned Trial Court within eight weeks.

6. Petition is accordingly disposed of staying the proceedings before the learned Trial Court till supplementary report is filed by the State. On receipt of report, the learned Trial Court will proceed with the case in accordance with law.

7. *Dasti.*

MUKTA GUPTA, J.

SEPTEMBER 11, 2018

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