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

Date of decision: December 12, 2019

+ W.P.(CRL) 3476/2019 and CRL.M.A. 42566/2019 (interim protection) and CRL.M.A. 42567/2019 (exemption)

PADAMSEN SHUBHAM

..... Petitioner

Through Mr. S.D. Singh and Mr. Rahul
Kumar Singh, Advocates

versus

STATE AND ANOTHER

..... Respondents

Through Mr. Ranbir Singh Kundu, ASC
(Criminal) with Mr. Shivom
Saharon, Mr. Hitesh Vali, Ms.
Suman Saharon and Mr. Pawan
Kumar, Advocates with SI Nikhil
Raman, P.S.: South Avenue

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

JUDGMENT

BRIJESH SETHI, J (oral)

1. The present petition has been filed by the petitioner for quashing of FIR No. 6/2018, under Sections 354/354A/354C/354D/506/509 IPC registered at South Avenue.

2. Learned counsel for the petitioner submits that at the time of alleged incident on 20.12.2017, the complainant/respondent no.2 was residing at Pune, Maharashtra and the petitioner was at Uttar Pradesh. Learned counsel for the petitioner further submits that no cause of action has arisen nor any offence is committed in Delhi and therefore Delhi Police has no jurisdiction to entertain the present complaint and the aforesaid FIR should therefore be quashed.

3. Learned Additional Standing Counsel for the State submits that offence has been committed in Delhi and Delhi Police has jurisdiction to entertain the present complaint, where it has been categorically stated by the complainant/victim that on 20.12.2017, the petitioner had called the complainant at Bus Stop Nirman Bhawan and again asked her for sexual favours. The petitioner had shown complainant her private photos there and when the complainant had resisted, the petitioner had slapped her and pressed her on her chest and ran away from there.

4. Learned Additional Standing Counsel has further submitted that earlier an anticipatory bail application was moved, which was dismissed by this Court vide order dated 10.06.2019. The petitioner is not cooperating with the Investigating Officer. Though he has given his mobile phone, but he had not given his password. Learned Additional Standing Counsel for the State further submits that the petitioner had also filed a Special Leave Appeal before the Hon'ble Supreme Court and the same was dismissed as withdrawn vide order dated 23.07.2019.

5. I have considered the rival submission and have perused the record which shows that offence has taken place in Delhi as the complainant has categorically stated that on 20.12.2017, the petitioner had called the complainant at Bus Stop Nirman Bhawan and again asked her for sexual favours. The petitioner had shown complainant her private photos there and when the complainant had resisted, the petitioner had slapped her and pressed her on her chest and ran away from there. In view of the above facts appearing on record, no grounds for quashing of aforesaid FIR are made out, the present petition is, therefore, dismissed and disposed of accordingly.

DECEMBER 12, 2019
savita

(BRIJESH SETHI)
JUDGE