

\$~33

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 21st January, 2019

+ CRL.M.C. 286/2019 and Crl. M.A. 1206/2019

RAJKUMAR PATHAK

..... Petitioner

Through: Ms. Nitya Ramakrishnan, Mr.
Vaibhav Srivastava, Mr. Saaaduzzaman and
Mr. P. Kaistha, Advocates

versus

NIDHI VERMA

..... Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The respondent is described as a person married to a senior serving officer of Indian Police Service (IPS), she having had reasons to institute proceedings against her husband by a petition (complaint case no.15783/2014) under Section 12 of Protection of Women from Domestic Violence Act, 2005 to seek certain reliefs. It is stated that she had sworn an affidavit on 24.01.2015 which was submitted by her in the course of the said proceedings, then pending in the court of the Metropolitan Magistrate, the disclosures made in the affidavit concerning the assets, investments, etc. having a bearing on the subject matter of the case.

2. The petitioner claims to be a public-spirited person who had certain information about the assets of the respondent who, according to him, had indulged in deliberate suppression of certain facts concerning certain properties, allegedly illegal, owned by the respondent. Terming the aforesaid affidavit dated 24.01.2015 to be an act in the nature of perjury, he had intervened in the proceedings in the criminal complaint case of the respondent against her husband by moving an application seeking initiation of inquiry under Section 340 of the Code of Criminal Procedure, 1973 (Cr. PC). The above-said application was resisted by the respondent who, in the meanwhile, had chosen to withdraw the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 with the submission that she had “reconciled with her husband” and was “living happily in her matrimonial home”.

3. The application of the petitioner was dismissed by the Metropolitan Magistrate by order dated 02.06.2018. The petitioner challenged the said order by appeal (Crl. A. 246/2018) in the court of the Sessions under Section 341 Cr. PC. The appeal was dismissed by the court of Sessions by order dated 26.10.2018.

4. The petitioner has come up to this court by the present petition under Section 482 Cr. PC to assail the said two orders of the courts below.

5. Having heard the learned counsel for the petitioner and having perused the record, this court finds no good reason to entertain the petition. The petitioner had no personal stake in the proceedings

under Protection of Women from Domestic Violence Act. The said proceedings initiated by the respondent have since been withdrawn, the couple having reconciled and rejoined. The Metropolitan Magistrate has dismissed the complaint, and the first appellate court has upheld the said order, with observation that it was not expedient to take the complaint under Section 340 Cr.PC further. Against the backdrop of the case in which it had been brought, this court finds no reason why the petitioner should be allowed a role larger than that of an informant so as to be permitted to pursue it further in the context of proceedings under the special law meant for protection of women against domestic violence.

6. The petition and the application filed therewith are dismissed.

R.K.GAUBA, J.

JANUARY 21, 2019

yg