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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 931/2019**
NEERAJ SHARMA Petitioner

Through: Mr. S. Hasija, Adv.
versus

STATE & ORS. Respondents
Through: Ms. Manjeet Arya, APP for State with
ASI Suresh Kumar, P.S. Inder Puri.
Mr. Jayant Sud, Sr. Adv. with Mr.
Abhinav Ramkrishna, Adv. for R-2 to
R-4.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **25.02.2019**

Crl. M.A. 3730/2019

Allowed, subject to all just exceptions.

Application is disposed of.

Crl. M.C. 931/2019

Petitioner is husband of respondent no. 2; whereas respondent nos. 3 and 4 are parents of respondent no.2. There is a matrimonial discord between petitioner and respondent no.2. Petitioner has filed a divorce petition which is pending before the Family Court. Petitioner filed an application under Section 156(3) Cr.P.C. for registration of FIR against respondent nos. 2 to 4 alleging therein that the child, who is in custody of

respondent no.2, was being ill treated by respondent nos. 2 to 4. It has been further alleged in the complaint that respondent no.2 also tried to strangle the child.

Learned Metropolitan Magistrate called the status report from the police and pursuant thereto ASI Suresh Kumar submitted his report wherein it has been mentioned that he enquired the matter from the child and found that the child was living with respondent no.2 happily. It has been further reported that the child did not level any allegation of beatings against anyone. As regards CDs, furnished by the petitioner, are concerned it was reported that the same was being verified. Learned Metropolitan Magistrate considered this report and vide order dated 11.02.2019 has ordered that it would be appropriate if the child is examined by a lady police officer as well as enquires are made from the neighbours regarding the treatment given to the child.

Petitioner is aggrieved by the order dated 11.02.2019 and has approached this court by way of present petition under Section 482 Cr.P.C.

I do not find any reason to interfere with the above directions of learned Metropolitan Magistrate, more particularly keeping in mind that relations between the husband and wife are strained to the extent that

petitioner has filed a divorce petition which is pending. Instead of filing any application in the said proceedings, therefore, there is nothing wrong if a lady police officer has been directed to make preliminary enquiry, before considering the application of the petitioner.

Accordingly, petition is dismissed with costs of ₹15,000/- to be deposited by the petitioner with the Delhi High Court Legal Services Committee within two weeks. Registry shall not entertain any other petition of the petitioner unless the cost imposed by this order is deposited within the stipulated period. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

FEBRUARY 25, 2019

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