

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Order: February 20, 2019

+ **CRL.M.C. 945/2019 & CrI.M.As.3775-76/2019**

SANJEEV BHATIA Petitioner
Through: Ms. Meenakshi Arora, Senior
Advocate with Mr. V. Madhukar
and Ms. Bhabna Das, Advocates

versus

STATE & ANR Respondents
Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-
State with SI Banay Singh

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Quashing of FIR No.203/2018 under Sections 354/354A/506 of IPC registered at P.S. Kirti Nagar, Delhi is sought on merits. It is stated that in the charge-sheet filed, offence under Sections 376 of IPC has been also added.
2. Learned senior counsel for petitioner submits that petitioner has a good case on merits and seeks quashing of the FIR in question while relying upon Supreme Court's decision in *Vineet Kumar & Ors. v. State of U.P. & Anr.*, (2017) 13 SCC 369. Learned senior counsel for petitioner submits that on a plain reading of the charge-sheet, no offence is made out and that there is a money dispute between the parties. It is pointed out by learned senior counsel for petitioner that the prosecutrix has improved her statement recorded under Section 164 of Cr.P.C. It is submitted that it

is evident from the CCTV footage that prosecutrix with her husband had come out of the office soon after the incident and prosecutrix was quite normal. It is further submitted by learned senior counsel for petitioner that the alleged rape was committed in a glass cabin of the office and that there were 15 employees and so, the version of the prosecutrix is improbable. It is also submitted by learned senior counsel for petitioner that the CCTV footage belies the version of prosecutrix put forth in her statement under Section 164 of Cr.P.C.

3. It is next submitted by learned senior counsel for petitioner that there is delay of 15 days in lodging of the FIR in question, which is a manipulated one. It is pointed out by learned senior counsel for petitioner that there is exchange of Emails regarding the money transactions between the parties and there is no reference of the incident of alleged rape in the said Emails. It is stated that in one CD showing conversation between one *Sharafat Ali* and petitioner, the said *Sharafat Ali* has undertaken to get this matter resolved. To submit so, attention of this Court is drawn to copy of status report filed in the bail proceedings.

4. Upon hearing and on perusal of FIR in question, charge-sheet, material on record and the decision cited, I find that Supreme Court in *Vineet Kumar (supra)* had not quashed the FIR/charge-sheet but had quashed the charges framed. Since petitioner has an alternate and efficacious remedy available to urge the pleas taken herein before trial court at the time of hearing at the charge stage, therefore, this Court is not inclined to exercise its extraordinary inherent jurisdiction under Section 482 of Cr.P.C.

5. In view of aforesaid, while not commenting upon merits of this case, this petition and the applications are disposed of with liberty to petitioner to urge the pleas taken herein before the trial court at the stage of hearing on the point of charge.

(SUNIL GAUR)
JUDGE

FEBRUARY 20, 2019

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