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

+ **CRL.M.C. 1525/2018 & CrI.M.A. 5534/2018**

SHRUTI BHATIA

..... Petitioner

Through: Mr. Dayan Krishnan, Sr. Adv. with
Mr. Rajeev Sirohi, Mr. Archit Arora
& Mr. Sudarshan Rajan, Adv.

versus

THE STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. K.S. Ahuja, APP for the State.
Mr. Vikram Sethi, Adv. for first
informant assisted by Ms. Vandana
Bhatia, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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05.02.2019

After some hearing, the learned additional public prosecutor for respondent/State as also Mr. Vikram Sethi, Advocate appearing on behalf of first informant/victim Binita assisted by Ms. Vandana Bhatia, Advocate, she herself being witness to the prosecution case, fairly concede that no case for charge is made out against the petitioner Shruti Bhatia for offence under Section 394 read with Section 34 IPC, inasmuch as there is no material to indicate that she may have aided or assisted the co-accused Sakshi Bhatia in committing physical assault in order to commit the offence of theft or in carrying away or attempting to carry away any property obtained by theft, the evidence on the contrary indicating she to have indulged in the

removal of the *sim card* of the mobile phone of the first informant and then rendering it unavailable, it amounting to commission of offence of mischief. The learned counsel, on all sides, agree that the act of slap blow given to the first informant by Sakshi Bhatia, which resulted in she having allegedly suffered grievous hurt cannot be attributed to the applicant, a case being made out for she to be put on trial only on the charge for offence under Section 323 read with Section 34 and Section 426 IPC. The charge order against the petitioner shall stand modified for needful to be done in its wake.

Ordered accordingly.

During the course of hearing, Vandana Bhatia, who is the employer of the victim, indicated her inclination to resolve the dispute amicably. The Metropolitan Magistrate may, if such request be made, consider referring the parties to process of mediation.

The petitioner does not press for any further relief in this petition. The petition and the application filed therewith are disposed of in above terms.

R.K.GAUBA, J

FEBRUARY 05, 2019

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