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

+ **W.P.(CRL) 1411/2018**

AKSHAY KUMAR

..... Petitioner

Through Mr Lokesh Kumar Mishra, Mr Himanshu
Sharma, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through Mr Rajesh Mahajan, ASC for State.
Inspt. Vinod Kumar, W.SI Rekha, P.S.
New Ashok Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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09.10.2019

1. The petitioner has filed the present petition, *inter alia*, praying that the FIR No. 620/2017 under Section 376 IPC read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered with P.S. Ashok Nagar and all proceedings emanating therefrom, be quashed.
2. The status report filed indicates that the said FIR has been registered at the instance of the victim's mother. It is alleged that the victim was aged about three years of age at the material time when she was sexually assaulted by the petitioner. The petitioner claims that the said FIR has been filed as a counterblast to harass the petitioner.
3. The victim was medically examined on 17.10.2017, however, internal examination was refused. The status report indicates that the victim was also

examined on 24.08.2017, however, no evidence of sexual assault was found at that stage.

4. The statement of the victim under Section 164 of the CrPC has been recorded. This Court is informed that a chargesheet has already been filed and the matter is at the stage of framing of charges. All contentions of the petitioner to oppose the framing of charges are open.

5. In view of the above, this Court is refraining from making any observations in this matter. It will be open for the petitioner to raise all contentions before the Trial Court to oppose the framing of charges.

6. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

OCTOBER 09, 2019

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