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

+ CRL.M.C. 4190/2016 & Crl.M.A. 17456/2016

OMESH SETHI

..... Petitioner

Through: Mr. Mohit Mathur, Sr. Adv. with Mr.
K.S. Negi, Mr. B.C. Kailey & Mr.
Alok Kumar, Advs.

versus

NCT OF DELHI & ANR

..... Respondents

Through: Mr. K.S. Ahuja, APP for the State
with Abhishek, PS Amar Colony.
Mr. Tanmaya Mehta, Ms. Mallika
Bhatia & Mr. S. Kr. Singh, Advs. for
R-2.

+ CRL.M.C. 4149/2017 & Crl.M.A. 16665/2017

SUMEETA SEHGAL

..... Petitioner

Through: Mr. Tanmaya Mehta & Ms. Diksha
Arora, Advs.

versus

STATE & ANR

..... Respondents

Through: Mr. K.S. Ahuja, APP for the State
with Abhishek, PS Amar Colony.
Mr. Mohit Mathur, Sr. Adv. with Mr.
K.S. Negi, Mr. B.C. Kailey & Mr.
Alok Kumar, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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08.01.2019

Heard for some time.

The first information report (FIR) no.620/2015 was registered by police station Amar Colony on 18.05.2015 on the basis of complaint of Sumeeta Sehgal (complainant), petitioner in Crl. M.C 4149/2017. The

allegations have been made against Omesh Sethi (accused), petitioner in Crl. MC 4190/2016 to the effect that he had committed certain acts which constitute offence punishable under Section 354-A of Indian Penal Code, 1860 in the morning of 08.11.2014.

It is an admitted case of both sides that the complainant was employed in the position of Head (Marketing) under the control of the accused who was Managing Director of M/s. Sol Medic Limited, a company having its corporate office in Kolkata with a branch office in Delhi in a premises in the upper portion of which the accused had his residence. There is material brought on record to indicate that the company had taken certain decisions to close down the Delhi office and this was likely to affect the services of a large number of local employees including the complainant.

The police has already completed the investigation and submitted report (charge-sheet) under Section 173 of the Code of Criminal Procedure, 1973 (Cr. PC) on 25.05.2015 and, on the basis of the said charge-sheet, the Metropolitan Magistrate has taken cognizance issuing process against the accused, by her order dated 02.06.2015.

Crl. MC 4190/2016 presented by the accused invokes the inherent power and jurisdiction of this court under Section 482 Cr. PC to seek quashing of the above said summoning order and the criminal case arising out of the charge-sheet on the ground the accusations are palpably false and that the investigation was one sided. Reliance is placed, *inter alia*, on certain e-mails exchanged, amongst others, between the complainant and the accused throughout the day of the alleged incident and, thereafter, it being the submission of the accused that the allegations leading to the FIR being

registered were concocted as an after-thought so as to extort money, after several months. It is also brought out that on the complaint of the accused, another FIR was registered vide no.1257/2015 under Section 384 IPC, the charge-sheet wherein has also been filed and the complainant of the FIR no.620/2015 has been summoned as accused, the said case being pending.

The complainant of FIR no.620/2015 had moved an application before the Metropolitan Magistrate seeking directions for further investigation on the ground that the probe carried out into her complaint alleging offence under Section 354A IPC was deficient. The said request under Section 173 (8) Cr. PC was allowed by the Metropolitan Magistrate by order dated 11.08.2016. The said order was challenged by the accused in the case arising out of FIR no.620/2015 in the court of Sessions by Crl. Revision No.204774/2016. His petition was allowed by the revisional court, by order dated 18.08.2017, vacating the directions for further investigation to be carried out. Crl. MC 4149/2017 challenges the said order invoking inherent jurisdiction of this court under Section 482 Cr. PC.

The thrust of the submissions of the petitioners in each of these matters is to bring home their grievance that the investigation carried out into FIR no.620/2015, leading to the charge-sheet being presented in the court of Metropolitan Magistrate was not fair or comprehensive and, thus, the matter requires further probe.

The additional public prosecutor for the respondent/State seeks adjournment so that he can seek instructions.

Be listed on 9th January, 2019.

R.K.GAUBA, J

JANUARY 08, 2019/nk

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