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

+ CRL.M.C. 3940/2017 & CRL.M.A. 15903/2017

MANJEET SINGHPetitioner

Through: Mr. A.K. Singh and Mr. Manoj
Kumar, Advocates

Versus

STATE & ANRRespondents

Through: Ms. Neelam Sharma, Additional
Public Prosecutor for respondent-
State with ASI Ishwar Chand
Mr. Rajeev Singh, Advocate for
respondent No. 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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14.05.2019

Quashing of order of 2nd November, 2016 vide which charges under Section 354/354A(1)(iv)/506-II/509 of IPC have been framed against petitioner, is sought in this petition.

Learned counsel for petitioner draws the attention of this court to the certified copy of the deposition of complainant to point out that the ingredient to constitute offence under Section 354 of IPC is not made out.

On the contrary, learned Additional Public Prosecutor for respondent-State and learned counsel for second respondent submits that it would be premature to appreciate the evidence led by complainant and it be left to trial court to consider whether the offence made out comes within the ambit of Section 354 or Section 354A of IPC.

Upon hearing and on perusal of the impugned order as well as Revisional Court's order and the certified copy of the deposition of complainant, I find that it is not a fit case to exercise its inherent jurisdiction under Section 482 of Cr.P.C. to pre-judge the evidence recorded. It is left to trial court to consider whether offence under Section 354 or under Section 354A of IPC is committed by petitioner or not. Needless to say, trial court shall consider the applicability of Section 354 of IPC in light of the evidence on record and statement of the complainant recorded under Section 164 of Cr.P.C at the final stage.

This petition and the application is accordingly disposed of while refraining to comment upon merits, with liberty to petitioner to urges the pleas taken herein, before trial court at the stage of final arguments.

(SUNIL GAUR)
JUDGE

MAY 14, 2019

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