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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 843/2020 and CRL.M.A. 3427/2020 (exemption)
PRAVEEN SHARMA Petitioner

Through: Mr. Sunil Shoudhary, Advocate

versus

STATE & ORS. Respondents

Through: Ms. Radhika Kolluru, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **14.02.2020**

1. By way of the present petition, the petitioner has impugned order dated 21.11.2019 passed by the Additional Sessions Judge in Crl. Rev. No.173/2019 whereby the order passed by the learned MM dismissing the petitioner's application under section 156(3) CrPC, was upheld.

2. The petitioner is the husband of respondent No.2. It is the case of the petitioner that respondent no.2 forcibly got him admitted to a *Nasha Mukti Kendra* on 11.10.2013. Again, in October 2015, the petitioner was admitted to *Divya Kiran, Nasha Mukti and Rehabilitation Centre*, Dwarka by respondent No.2 and her family members. It is stated that the aforesaid rehabilitation centre is owned by one Sandeep Choudhary with whom respondent No.2 had illicit relations. It was stated that during the period of his stay in the rehabilitation centre, respondent No.2 obtained a mobile connection in his name by forging his signatures on the application form as well as the supporting documents filed along with it.

3. A complaint was made by the petitioner on 20.02.2018 to the SHO, however, when no police action was taken, a complaint under Section 156(3) Cr.P.C. was filed in the court of concerned MM. An Action Taken

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Report was called for. It was reported that the petitioner and his wife i.e., respondent No.2 have strained relations on account of matrimonial disputes and have lodged many complaints/FIR against each other. During inquiry, respondent No.2 gave a statement denying the allegations and stating that on 16.04.2016, the relations between the parties were cordial and they deteriorated only after June 2016. It was also stated by her that the SIM in question was in the name of her father, who gave the same to her as he wanted to change it from pre-paid to post-paid number. She further stated that the petitioner had provided his ID to the agent of the cell phone company. In FIR No.501/2016 under Sections 323/341/506/34 IPC, registered at the behest of respondent No.2, a report was filed in the court of concerned MM mentioning that the CDR details as well as the SIM were not available as more than one year had passed.

4. The petitioner's complaint under Section 200 Cr.P.C. is pending before the concerned Court and the petitioner can always summon the CAF (Customer Application Form) and the supporting documents, if available, from the concerned service provider.

5. I find no illegality, infirmity and perversity in the impugned order passed by the concerned MM and the Addl. Sessions Judge. The petition is dismissed along with the pending application.

MANOJ KUMAR OHRI, J

FEBRUARY 14, 2020

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