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

+ **CRL.M.C. 1560/2020 & & CrI.M.A. 8957/2020**

PRAVEEN KUMAR

..... Petitioner

Through

Mr. Vikas Arora and Ms. Radhika
Arora, Advs.

versus

STATE & ANR.

..... Respondents

Through

Mr. Izhar Ahmed, APP for the State
with IO Yogendra Tomar.
Mr. Omkar Kushwaha, Mr. Pankaj
Mohan, Mr. Abhishek Pratap Singh
and Mr. Akash Kumar, Advs. for R-2.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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09.09.2020

The hearing has been conducted through video conferencing.

1. Vide the present petition, the petitioner prays as under:
 - a) *Quash/set aside orders dated 1.7.2020 passed by Sh. Pranav Joshi, MM, Tis Hazari Courts in Complaint case titled as Smt. Rekha vs Praveen Kumar & Ors.;*
 - b) *Quash/set aside dated 6.7.2020 passed by Ms. Charu Aggarwal, ASJ, Tis Hazari Court, Delhi in criminal revision No. 186/2020.*
2. After hearing arguments of the rival parties, learned counsel appearing on behalf of the petitioner submits that let FIR be registered and matter be investigated pursuant to which final report/cancellation report be filed.
3. Learned counsel for the petitioner further submits that DCP concerned

may be directed not to initiate any action and if it is established that the complainant made false allegations/complaint against the petitioner, action may be initiated against the complainant.

4. Learned counsel appearing on behalf of the Respondent no.2/ complainant does not dispute any of the submissions made by counsel for the petitioner.

5. Accordingly, order dated 01.07.2020 passed by learned MM shall remain in force and SHO of Police Station Burari is directed to register FIR within 5 hours from the receipt of this order, thereafter investigate and file a final report/cancellation report as the case may be, as per law.

6. Till then, DCP concerned is refrained from taking any action against the Petitioner until the report is filed. Thereafter, if the investigation reveals that petitioner herein acted in private capacity, he shall take action as per law.

7. I hereby make it clear, if it is established that the complainant made a false complaint leading to registration of the FIR and due to which the petitioner had to face trauma right from the date of filing of the complaint, then action against the complainant/respondent no.2 shall be taken as per law.

8. This Court expects from the IO, upon getting appointed after registration of the FIR, to expedite the investigation and file a report accordingly.

9. Copy of this order be transmitted to the DCP concerned and Trial Court for information and necessary compliance.

10. In view of above, petition is disposed of.

11. Pending application also stands disposed of.
12. The order be uploaded on the website forthwith.

SURESH KUMAR KAIT, J

SEPTEMBER 09, 2020/ab