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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 1565/2020

NIKHIL GOEL

.....Petitioner

Through : Mr. Pawan Kumar, Advocate.

versus

NCT OF DELHI & ANR.

.....Respondents

Through : Mr. G.M. Farooqui, APP.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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13.07.2020

[Court hearing convened *via* video-conferencing on account of COVID-19]

CRL M.A. 9124/2020

1. Allowed, subject to the petitioner curing the deficiencies referred to in the captioned application within five days of the lockdown *qua* this Court being lifted.

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2. The prayer made in the captioned application is for quashing of FIR No. 0398 dated 04.12.2019 [hereafter referred to as the "FIR"].

3. The petitioner along with two other persons has been accused of having committed offences under Sections 354/354A/342/506/509 IPC.

4. Counsel for the petitioner says that respondent no. 2, now, wishes to withdraw her complaint and, therefore, the captioned petition has been filed.

5. A perusal of the FIR shows that respondent no. 2 is a friend of the wife of the petitioner.

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5.1 It is claimed that the petitioner along with his friends i.e. Joyel and Sakir, on 22.09.2019, had attempted to rape respondent no. 2.

5.2 The stand of respondent no. 2 is that her mother was not at home at that point in time.

5.3 Furthermore, the FIR is also suggestive of the fact that the petitioner had committed similar offences on two earlier occasions. On 22.09.2019, the petitioner, it appears, had approached respondent no. 2 on the pretext of seeking an apology for his earlier transgressions.

5.4 Respondent no. 2 also alleges, a fact which is recorded in the FIR, that the petitioner threatened to kill her and her family members if she were to inform anyone else about the incident.

6. On the other hand, counsel for the petitioner says that there has been a delay in registering the FIR as the same was registered only on 04.12.2019.

7. Mr. Farooqui, who appears on advance notice on behalf of the respondent/State, says that the allegations are grave in nature and, hence, they require to be investigated.

8. In my view, notwithstanding the delay in registering the FIR, which may be an argument available to the accused in defence, at the trial, is not a submission based on which the FIR can be quashed by this Court while exercising powers conferred under Section 482 of the Cr.P.C.

9. The allegations made against the petitioner and other co-accused are grave which merit investigation. I may also note that for some curious reason the other two co-accused have not been arrayed as parties in the matter. The petition is deficient on this core as well.

10. Accordingly, the captioned petition is dismissed.

RAJIV SHAKDHER, J

JULY 13, 2020
c/KK

Click here to check corrigendum, if any

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