

\$~18

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

+ **W.P.(CRL) 1073/2020 & CRL.M.A. 9350/2020**

VANDANA KAUSHIK

..... Petitioner

Through: Mr Rakesh Malhotra, Advocate.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr Rajesh Mahajan, ASC for State.
Mr Yogesh Dass, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

28.08.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that FIR No. 0307/2020 under Sections 323/341/506 of the IPC registered with PS Jyoti Nagar and all proceedings emanating therefrom, be quashed.
2. Mr Malhotra, learned counsel appearing for the petitioner submits that the said FIR has been lodged as a counter blast to the FIR lodged by the petitioner. He submits that police officials are also siding with the complainant (respondent no. 2) and have registered the FIR despite the allegations being unsubstantiated. He states that the entire incident has been recorded in the CCTV footage and the same is also available with the concerned police officials. He submits that a plain examination of the CCTV footage clearly indicates that the allegations made against the

Signature Not Verified

Signed By: DUSHYANT
RAWAL
Location:
Signing Date: 28.08.2020
22:04:58

petitioner are *mala fide* and without any substance.

3. The petitioner had filed an FIR (FIR No. 0306/2020) in the same police station, apparently, with regard to the same incident. This Court by an order dated 25.08.2020, directed that the investigation be conducted by the concerned ACP. The concerned ACP shall examine the CCTV footage referred to by the petitioner and take steps as necessary in law. This Court is not inclined to quash the FIR as it does disclose a cause of action. The petitioner's grievance that the same is *mala fide* and has been filed as a counter blast, shall be considered by the investigating agency and by the concerned court at the time of considering the order on charge, if a charge-sheet is filed.

4. The petition is disposed of with the aforesaid directions. The pending application is also disposed of.

VIBHU BAKHRU, J

AUGUST 28, 2020
MK