

\$~78

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

+ **W.P.(CRL) 2114/2019 and CRL.M.A. Nos. 4384/2020 & 4385/2020**

DR. SAMYAK GANDHI

..... Petitioner

Through: Mr Ashok Soni and Mr Anuj Soni,
Advocates.

versus

STATE

..... Respondent

Through: Ms Nandita Rao, ASC (Criminal),
GNCTD.
SI Sachin Dhama, PS Narela.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

27.02.2020

1. The petitioner has filed the present petition, *inter alia*, praying that FIR bearing no. 0173/2019 under Section 376 of the IPC registered with PS Narela (District Outer North) and all proceedings emanating therefrom, be quashed.
2. The said FIR was registered at the instance of respondent no.2 (name withheld to avoid ignominy), who is aged about thirty-five years. She had alleged that she had engaged in a physical relationship with the petitioner on being induced by a false promise of marriage.
3. The petitioner contends that the sale allegation is patently false and the petitioner had not induced respondent no.2. He also states that there are call records containing recordings of her admission that no such promise was made. He further submits that notwithstanding the above, the fact that the petitioner and respondent no.2 have had a long consensual relationship spanning more than two years, the allegation of securing respondent no.2's

consent by false inducement does not arise.

4. He has also drawn the attention of this Court to the chargesheet filed by the police, which expressly records respondent no.2's statement that she had accepted that the audio recording is in her voice.

5. *Prima facie*, the contentions advanced by the petitioner are persuasive. However, this Court does not consider it apposite to interfere with the proceedings at this stage.

6. It is expected that the Trial Court would examine all the material facts and the law laid down by the Supreme Court as well as by this Court and take an informed decision.

7. It is further directed that in the event the petitioner files an application for exemption from personal appearance, the same would be sympathetically considered.

8. The petition is disposed of with the aforesaid observations. All pending applications are also disposed of.

9. The hearing scheduled on 09.07.2020 stands cancelled.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 27, 2020
RK