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

+ **CRL.M.C. 5490/2022**

SHRI KAMAL DEV RAI @ KAMAL DEO ROY Petitioner

Through: **Mr. M.K. Perwez with Mr. J.A.
Chaudhary**

versus

THE STATE NCT OF DELHI Respondent

Through: **Mr. Hemant Mehla, APP for the State
with Inspr. Kuldeep Singh, PS
Vikaspuri**

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Date of Decision: 01st December, 2022

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

Crl.M.A.21828/2022 (exemption)

Exemption allowed subject to all just exceptions.

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1. Present petition has been filed for quashing of FIR No.657/2014 under Section 341/342/363 IPC read with Section 23/26 J.J. Act. The FIR was lodged on the statement of Sh. Shankar Sharma. In the FIR, the complainant has stated that his nephew Manish was not traceable. The complainant suspected that somebody had kidnapped his nephew Manish,

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who was around 12 years at the time of the incident. However, the Investigating Officer states that the child was found in the nearby place after some time. The Investigating Officer further states that there seems to be no foul play in the incident.

2. The complainant states that he got the FIR registered out of panic and anxiety. Therefore, the present petition has been made for quashing of the proceedings.

3. Perusal of the record indicates that the chargesheet in this case has been filed under Section 341/342 IPC read with Section 23/26 J.J. Act against the petitioner.

4. Learned counsel for the petitioner submits that, in fact, the child being of tender age went to the Azard Market in place of Azadpur. Learned counsel further submits that in fact the child had gone to the petitioner out of his own will and was recovered on the same day.

5. In the totality of facts and circumstances of the case, the case FIR No.657/2014 under Section 363 IPC registered at P.S. Vikaspuri and all the proceedings emanating therefrom are quashed.

6. The present petition stands disposed of.

DINESH KUMAR SHARMA, J

DECEMBER 01, 2022
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