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

+ CRL.M.C. 3759/2023, CRL.M.A. 14172/2023

SANJAY KUMAR & ANR. .... Petitioners

Through: Mr.Ankit Rana, Advocate

versus

STATE NCT OF DELHI AND ORS. .... Respondents

Through: Mr.Hemant Mehla, APP for the state  
with Mr.Dipanshu Meena, Advocate

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*Date of Decision: 23.05.2023*

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**J U D G M E N T**

**DINESH KUMAR SHARMA, J. (Oral)**

1. Present petition has been filed for quashing of FIR no.69/2022 dated 08.01.2022 registered under Section 363/366/376/506 IPC, Sections 6 of POCSO Act and Sections 9/10 PCMA at PS Neb Sarai.
2. Learned counsel for the petitioner submits that the charge sheet filed against the petitioner has no legs to stand. It has been stated that the petitioner and respondent no.3 married each other on 10.03.2022 and remained together for around nine months as husband and wife. Learned counsel for the petitioner submits that after the respondent no.3 left her house, her father lodged a FIR No.69/2022 on 08.01.2022 registered under Section 363 IPC at PS Neb Sarai. However, in October, 2022 the petitioner was arrested and the statement of

respondent no.3 was recorded. Learned counsel for the petitioner submits that respondent no.3 made a statement under Section 164 Cr.P.C. that she had gone at her own free will with the petitioner and now also wants to go back. Learned counsel for the petitioner has further submitted that as per the complainant age of victim is 14 years . However, as per investigation her age has been stated to be 16 years. Learned counsel submits that therefore, the FIR may be quashed.

3. Learned APP has vehemently opposed quashing petition. Learned APP submits that, in fact, as per investigation the date of birth of the victim is 14.09.2006. However, the petitioner forged the Adhar Card and showed the date of birth of the victim as 13.08.2003. Learned APP submits that the investigation regarding forging of Adhar Card is still under progress and supplementary charge-sheet is likely to be filed.
4. At the outset, the present petition seems to be an abuse of the process of the Court. The purpose of Section 482 Cr.P.C. is to prevent miscarriage of justice and the abuse of the process of the court. Here the case is where the petitioner has been the accused of committing serious offences under POCSO Act and Indian Penal Code upon a minor child. The age of the victim as stated by her father is 14 years and as per investigation conducted so far, the age of the victim was 16 years. The allegations are that the Adhar card was also forged for which the investigation is continuing.
5. The petitioner, surprisingly has invoked the jurisdiction of the Court under Section 482 Cr.P.C. for quashing of the petition. The allegation and material on the face of it are serious in nature and is required to be appreciated during the trial. It is often said that bad cases block the

good case. This is the classic example of the petitioner misusing and abusing the process of the court.

6. Such petitions are not only to be dismissed but to be dismissed with heavy cost for wasting the time of the court and for an attempt to abuse the process of the court.
7. Hence, the petition is dismissed with a cost of Rs.25,000/- to be deposited with the Delhi High Court Legal Services Committee within four weeks.
8. The petition along with the pending application stands disposed of.

**DINESH KUMAR SHARMA, J**

**MAY 23, 2023**

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