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

+ CRL.REV.P. 129/2024, CRL.M.A. 2602/2024 and

CRL.M.A. 2603/2024

STATE

.....Petitioner

Through: Mr. Laksh Khanna, APP for State

versus

AJAY GUPTA

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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07.08.2024

1. By way of present petition, the petitioner has challenged the order dated 09.12.2021 passed by the learned Addl. Session Judge-06, Saket, New Delhi whereby the respondent has been discharged in FIR No. 632/2020 registered under Sections 354A/506/509 IPC and Section 12 POCSO Act at P.S. Jaitpur, Delhi.

2. Pertinently, the FIR in the present case was registered on 11.12.2020 with respect to an incident of the same date. A reading of the FIR would reveal that both the complainant and respondent are related to each other inasmuch respondent is the brother-in-law of the co-accused JCL 'R' who happened to be the brother-in-law of complainant's sister. There was a pending matrimonial dispute between the complainant's sister and her husband. A reading of the FIR would further reveal that on the said date, the mother and two sisters of the complainant were returning from court and the incident occurred on a public street. The FIR came to be lodged at the instance of the complainant 'U'. She was accompanied by her mother, elder sister as well as younger sister 'C' and in the FIR, the victim had further alleged that while her sister and mother had gone ahead, she stopped to buy



snacks and then this incident happened. The JCL 'R' and the present respondent were there. It was JCL 'R' who used abusive language and also gave threats. Insofar as the present respondent is concerned, it was alleged that he joined the JCL 'R' in hurling abuses. During investigation, statement of complainant 'U' as well as complainant's sisters 'C' and 'R' as well as their mother were also recorded. The statement of 'U' was also recorded under Section 164 Cr.P.C. Alongwith the chargesheet, the prosecution had also placed on record the video recording of the incident captured on the mobile phone by both the complainant as well as the accused. The learned trial Court, while passing the impugned order, had seen the footage placed on record. It has recorded a finding that the allegations of hurling abuses are primarily against the JCL 'R' and the respondent herein is only seen talking on a mobile phone. It has further been observed that the respondent is not even seen making any gestures. The presence of the respondent at the spot was also found to be natural.

3. It is not the case of the prosecution that in the impugned order, the trial court has seen any document which is extraneous to the material placed before it. The reason for discharge is after considering the statement as well as the mobile recording. After going through the statements as well as the impugned order, I find no reason to interfere with the impugned order. Accordingly, the present petition is dismissed alongwith the pending applications.

MANOJ KUMAR OHRI, J

AUGUST 7, 2024

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