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

+ **CRL.M.C. 1772/2024 & CRL.M.A. 6779/2024**

KRISHAN MURARI GUPTA

.....Petitioner

Through: Mr. Medhanshu Tripathy,
Ms. Garima Tripathy &
Mr. Tushar Tokas, Advs.

versus

**THE STATE OF NCT OF DELHI
AND ORS**

.....Respondents

Through: Ms. Priyanka Dalal, APP
for the State

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
30.09.2024

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1. The present petition is filed seeking quashing of FIR No. 596/2022 dated 29.09.2022, registered at Police Station Jaitpur, for offences under Sections 354/376/506 of the Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. The present FIR was registered at the instance of the Respondent No.2 alleging that the petitioner, who is her brother-in-law (husband of Respondent No.2's sister), had raped her and molester her daughter (Respondent No.3). It is alleged that the petitioner also threatened Respondent No.2 of dire consequences if she disclosed about the incident to anyone.

3. The learned senior counsel for the petitioner submits that the petitioner has been unnecessarily harassed and falsely implicated in the present case.

4. He submits that the petitioner is embroiled in a number of other litigations with the family of his wife, including a money

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dispute, and the present FIR was registered to pressurise the petitioner.

5. He submits that there are certain discrepancies and lacunae in the statement of the complainant recorded under Section 164 of the Code of Criminal Procedure, 1973 ('CrPC').

6. Much water has flown after registration of the FIR.

7. Concededly, the police has completed investigation and the chargesheet has already been filed in the present case and the matter is listed for arguments on charge.

8. The petitioner has the remedy of addressing arguments and raising all issues before the learned Trial Court while arguing on charge. Even otherwise, the FIR was registered way back in the year 2022.

9. While the exercise of power under Section 482 of the Code of Criminal Procedure, 1973 is not barred when there is an alternative remedy, a litigant cannot be allowed to circumvent or subvert the due procedure of law on mere apprehension of a long-drawn litigation.

10. Since the matter is pending before the learned Trial Court and undisputedly the learned Trial Court has power to consider all arguments after perusing the evidence that is brought on record, this Court does not consider it apposite to entertain the present petition.

11. The present petition is dismissed with the liberty to the petitioner to raise all arguments and issues before the learned Trial Court while addressing arguments on charge.

12. It is made clear that this Court has not gone into the merits of the allegations and the learned Trial Court shall pass the order on charge uninfluenced by the observations made in the present



order.

13. Needless to say, the petitioner is at liberty to approach this Court in case any grievance remains in future.

AMIT MAHAJAN, J

SEPTEMBER 30, 2024/“SS”