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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3162/2024 & CRL.M.A. 12224/2024**
KAPIL KUMAR SAHNI Petitioner
Through: Mr.Raj Kumar, Adv. with
petitioner

versus

STATE OF NCT DELHI AND OTHERS Respondents
Through: Ms.Priyanka Dalal, APP with
Insp. Santosh Kumar, HC
Deepak Kumar.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **25.04.2024**

1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 praying for the following reliefs:

*“(a) Quash the proceedings relating of DD entry No.96A and kalandra made by respondents no.3, 4 & 5 and qua the petitioner and an order of quashing the impugned order and proceedings pending before respondent No.2 SEM Sarai Rohila with all other consequential relief, in the interest of justice;
(b) And an order of compensation of Rs.500000/- may also be passed in favour of the petitioner against the respondents in the interest of justice.”*

2. It is the case of the petitioner that on 09.04.2024 at 12.30 p.m, the petitioner and his wife made a call relating to a sexual assault on their daughter by the brother of the petitioner. The PCR Van that arrived pursuant to the call, took the girl child for medical



examination. Later at about 2.30 p.m., the petitioner went to the Police Station to give a complaint for the registration of an FIR for the above alleged offence. The Police however stated that they will not take any action on the complaint being made by the petitioner till the child visited the Police Station. At about 4.00 p.m., the petitioner was illegally taken into the custody. Later, the wife of the petitioner came to know of the same. She called the Deputy Commissioner of Police (DCP) and the Additional Commissioner of Police (ACP), making a complaint against the illegal arrest of the petitioner instead of registering the FIR against the respondent no.8/brother of the petitioner. At about 6:45 p.m. the wife of the petitioner called the DCP and ACP again, requesting information about the status of the case of her daughter and the illegal arrest of her husband. It is stated that at about 7.30 p.m., the respondent no.5/Head Constable Deepak Sharma, prepared some documents to show the arrest of the petitioner, on which signature of the petitioner were obtained. At about 9.00 p.m. on the same day, the petitioner was taken to the hospital for medical examination. The child, thereafter, came to the Police Station and narrated the incident of assault on her, however, the Police Officers pressured her to withdraw her complaint. It is only at 3.00 p.m. on the next date, that is, 10.04.2024, that the petitioner was produced before the Special Executive Magistrate (in short, 'SEM'). It is stated that the SEM passed an order to keep the petitioner in custody for a period of 7 days. Later at about 5.00 p.m., the Clerk of the respondent no.2/SEM supplied a copy of the Final Report of Kalandara and DD No.96A only, however, did not supply the remaining documents that



were mentioned in the same. It is stated that the said Kalandara has been registered only to pressurize the petitioner to withdraw the complaint of his child.

3. The learned APP has explained to me the documents leading upto the registration of the Kalandara. She submits that regular calls of fights between the petitioner/his family and the respondent no. 8, brother of the petitioner, have been received by the police over the period of more than last one month. She submits that on 09.04.2024 also, repeated calls of a fight between the petitioner and the respondent no. 8 were received. When the police officials reached the spot, they found the petitioner and the respondent no. 8 fighting. In spite of attempts to pacify and counsel them, they did not stop fighting. It is only then that the Kalandara was registered.

4. I have considered the submissions made.

5. Admittedly, the proceedings in relation to the Kalandara are listed before the SEM today. I, therefore, would not like to entertain the present petition at this stage. The SEM shall decide on the Kalandara after hearing the petitioner and the concerned persons, and in accordance with the law.

6. With the above directions, the present petition and the pending application are disposed of.

7. *Dasti.*

NAVIN CHAWLA, J

APRIL 25, 2024/Arya/RP

Click here to check corrigendum, if any