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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1696/2023 & CRL. MAs 15766/2023, 28355-56/2023,
31426/2024
ASHISH TANEJAPetitioner
Through: Mr. Rajat Katyal, Mr. Rahul Sambher
and Mr. Mayank Punia, Advocates.

versus

STATE (GNCT OF DELHI) & ANR.Respondents
Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State with SI Rinku PS
Janakpuri, Delhi.
Respondent no.2 present in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **24.10.2024**

1. By way of present petition, the petitioner seeks quashing of the FIR No.0084/2023 registered under Sections 354A/354/506 IPC at PS Janakpuri, Delhi as well as all consequential proceedings arising therefrom.
2. The amended memo of parties filed by the petitioner is taken on record.
3. Learned counsel for the petitioner submits that in the present case, the petitioner, who is an orthopaedic surgeon, is alleged to have committed the offence on 07.11.2022. The incident is stated to have occurred at the clinic of the petitioner. He further states that during investigation, CCTV footage of the clinic has been seized and a perusal of the same would show that the complainant along with another person, *Shama Parveen*, had made a recce of the petitioner's clinic at about 02:30 PM and thereafter, walked away.



Subsequently, she took an appointment via *Practo* Online Platform for 6 PM, for which she entered the clinic at 06:30 PM along with the said person *Shama Parveen*. It is stated that the complainant took the appointment on the pretext of pain in her knee. She remained in the petitioner's room only for 15 seconds and walked out. The complainant and *Shama Parveen* remained in the petitioner's clinic for a total duration of 50 seconds and thereafter, firstly *Shama Parveen* went out and within 15-20 seconds thereof the complainant also went out. The petitioner had advised the complainant an X-Ray, whereafter the complainant and the said *Shama Parveen* went out on the premise of seeking advice from the complainant's brother.

Learned counsel for the petitioner, while drawing attention of the Court to the order dated 01.06.2023 passed by this Court, submitted that he had filed transcripts of telephonic conversations exchanged between the complainant and the petitioner as well his wife, which proves the falsity of the complainant's allegations. He further submits that during the investigation as directed by this Court, a Status Report has been filed and as per which, the presence of one counsel is also shown outside the petitioner's clinic at the relevant time. The relevant portion of the Status Report dated 14.08.2023 reads thus:

"...Analysis of call records of the number 8595678894 and 9310065456

9. On analysing the CDRs it is found that the regular phone calls were exchanged between Ms. Priya from her number 8595678894 and Mr. Yash Rohilla (advocate of complainant) from the number 9310065456. Regular phone calls were exchanged before the date of incident on 07.11.2022, on the date of incident and on the date when the alleged Dr. Ashish Taneja paid Rs.25,000/- as claimed by him and also subsequently. Phone calls were exchanged on 03.11.2022, 04.11.2022, 07.11.2022,



08.11.2022, 09.11.2022, 10.11.2022, 11.11.2022, 12.11.2022, 18.11.2022 and 19.11.2022. The cell phone location of the number 9310065456 on 08.11.2022 was found near PS: Janakpuri at the time when the complainant came to the police station on 08.11.2022. The cell phone location of the number 9310065456 was found near the clinic of the alleged Dr. Ashish Taneja on 11.11.2022 between 1.00 pm to 2.00 pm, when the alleged Dr. Taneja claimed to have paid the alleged extortion money of Rs.2,50,000/-. It was also seen that phone call was exchanged between the number 8595678894 and 9310065456 around 10:30 pm on the night of 11.11.2022...”

4. Learned counsel for the petitioner further submits that subsequent thereto, on an oral demand for money made by the complainant/respondent No.2 (who is present in Court and is identified by the I.O.) as well as one Mr. Yash Rohilla, the petitioner was made to part with a sum of Rs.2.5 lacs pursuant to which the complainant had sought to withdraw her complaint vide GD No.10A dated 12.11.2022. Moreover, he states that with a view to extort more money, an application under Section 156(3) Cr.P.C. was filed and during the pendency of the same, a fresh complaint was given at P.S. Janakpuri, Delhi whereby for the first time, she stated that she had approached the petitioner's clinic with complaint of chest pain. He also states that during the pendency of the present proceedings, the complainant has submitted an affidavit in which she has stated in favour of withdrawing the present complaint. The complainant is also present in Court today and states that the instant FIR was lodged inadvertently. A further Status Report has also been handed over today in Court and the same is taken on record. The relevant paragraphs of the said Status Report reads thus:

“...3.Taht from enquiries it is found that FIR No.313/2021 under Section 376 IPC and 6 POCSO Act dated 05.08.2021 was



registered at PS New Ashok Nagar on the complaint of the complainant (in the present case) against accused Ajay @ Karan on the allegation of rape on the pretext of marriage. The complainant had alleged that the accused person Ajay @ Karan had repeated sexual intercourse with her on the promise of marriage and later on refused to marry the complainant. The case got transferred to police station NOIDA Sector-20. In her statement recorded before the learned Magistrate under Section 164 Cr.P.C, the complainant did not support the allegations made in the FIR and retracted from the complaint she had made. As the case had been registered under the POCSO Act as well, the complainant was also referred to the Child Welfare Committee and before the said committee she stated that she did not want any legal action. A closure report was submitted before the Hon'ble Court CJM, Noida.

4.It has also been found that the complainant (in the present case) made a complaint dated 30.03.2023 at PS Sector-23 Dwarka, against a doctor at Sparkle Dental Clinic. The complainant had alleged that the doctor at the said clinic sexually harassed the complainant by pushing her private parts. FIR No.86/2023 under Section 354A IPC dated 30.03.2023 was registered at PS Sector-23 Dwarka on her complaint. The statement of the complainant under Section 164 Cr.P.C, was recorded before the learned Magistrate and in her statement the complainant did not support the allegations made in the FIR and retracted from the complaint she made and the IO has been informed by the complainant that she did not want to pursue the complaints made by her. A cancellation report was submitted before the Hon'ble Dwarka Court..."

5. Mr. Lao, Standing Counsel (Crl.) for the State submits, on instructions that not only the present complainant but also *Shama Parveen* who had statedly accompanied the complainant to the petitioner's clinic has lodged similar complaints, and against whom FIR No. 54/2024 was lodged under Sections 506/467/385 IPC at PS SJ Enclave, New Delhi and the same is still pending investigation.



6. Considering the no objection given by the complainant as well as keeping in view the background of the facts of the case, the present FIR as well as consequential proceedings arising therefrom are hereby quashed against the petitioner. However, at the same time, taking note of the transcripts, Status Reports as well as the facts stated therein that the complainant as well as *Shama Parveen* alongwith others have been involved in filing similar complaints and thereafter withdrawing them, the concerned DCP is directed to conduct an inquiry, including the complaint preferred by the present petitioner vide DD No.72 dated 03.04.2023 at PS Janakpuri, Delhi and take it to its logical conclusion in accordance with law.

7. The petition is disposed of in above terms alongwith pending applications.

MANOJ KUMAR OHRI, J

OCTOBER 24, 2024/rd