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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3562/2024**
PARBHAT KUMAR SINGH Petitioner
Through: **Mr.Ashish K Singh,**
Ms.Muskan Malhotra, Advs.
versus

STATE OF NCT OF DELHI AND ANR. Respondents
Through: **Mr.Satinder Singh Bawa, APP**
with WSI Sanju Kumari.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **06.05.2024**

CRL.M.A. 13694/2024 (Exemption)

1. Allowed, subject to all just exceptions.

CRL.M.C. 3562/2024 & CRL.M.A. 13695/2024

2. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 praying for quashing of the FIR no.552/2023, registered at Police Station: Palam Village, under Sections 323/354/376AB of the Indian Penal Code, 1860 and Sections 6 & 10 of the Protection of Children from Sexual Offences Act, 2012 and all the related prosecution proceedings emanating therefrom, pending against the petitioner.

3. The learned counsel for the petitioner submits that the above FIR is a result of the matrimonial disputes between the petitioner and the respondent no.2/his wife. He submits that the *mala fide* of the complaint is evident from the fact that earlier the respondent no.2 had



filed such a complaint with the police, whereupon the petitioner was picked up on 12.08.2023 and unlawfully detained for almost 7 hours. During the course of his detention, he was forced to sign a statement declaring that he will give divorce to the respondent no.2 by mutual consent. He submits that the child was also taken to counselling, wherein she stated that she was not subjected to any sexual assault. He submits that the respondent no.2 sent a WhatsApp message and also an email containing the Memorandum of Understanding and also the draft of the divorce petition. He submits that against the illegal detention of the petitioner, the petitioner had filed a complaint with the Deputy Commissioner of Police, Police Station: Vasant Vihar, with copy of the same marked to the Commissioner of Police, on 16.08.2023. The petitioner has also filed an application seeking Anticipatory Bail, wherein respondent no.1 has filed a Status Report, in which it is clearly stated that no FIR was registered against the petitioner. On the said statement, the bail application was disposed of vide order dated 18.08.2023 passed by the learned ASJ-02, Dwarka Courts, Delhi.

4. On the other hand, the learned APP, on instructions from the Investigating Officer, submits that the statement of the victim already stands recorded before the learned Trial Court. The trial is moving fast and therefore, even in face of the above allegations, this case does not warrant any interference.

5. I have considered the submissions made by the learned counsels for the parties and perused the record.

6. I find that the statement of the victim has not been placed on



record by the petitioner. Even though the petition runs into 29 pages, it does not even mention that the charges have been framed against the petitioner.

7. It can be seen that important facts have been tried to be concealed from the court. The present petition appears to have been filed with *mala fide* intent of stalling the trial at the initial stage. It is settled law that a petitioner who approaches court with unclean hands, concealing vital and material facts from the court, is not entitled to any relief under the discretionary powers of the court.

8. I, therefore, find no merit in the present petition, The petition and the application are accordingly dismissed.

NAVIN CHAWLA, J

MAY 6, 2024/Arya/am

Click here to check corrigendum, if any