



2024:DHC:5833



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 2nd August, 2024***+ **CRL.M.C. 3839/2024, CRL.M.A. 14633/2024**

ROHIT SINGH RAWAT

.....Petitioner

Through: Ms. Neha Kapoor and Mr. Kaushal
Mehta, Advocates

versus

STATE & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State
with SI Vineet Kumar PS Neb Sarai
Mr. Arvind Kumar, Adv. for
Complainant**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. A Petition under Section 482 Cr.P.C. has been filed on behalf of the petitioner for quashing of FIR No.112/2024 under Section 376/506 IPC Police Station Neb Sarai.
2. The petitioner has stated that the parties admittedly had a consensual relationship, but the complainant out of sheer vengeance in order to extort more money from the petitioner, got the FIR in question registered by giving a complaint dated 04.01.2024 to DCP, South District, Delhi. The entire complaint does not reflect that the relations between the parties were established on the pretext of marriage. It is further submitted that subsequent



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to registration of FIR on 28.01.2024, the petitioner herein was arrested on 20.02.2024.

3. In the statement of respondent No.2 recorded under Section 164 Cr.P.C. on 30.01.2024, she made material improvements. For the first time she alleged that the petitioner had promised to marry her. Pertinently, it was her own admission that respondent No.2 had complete knowledge of law and offence and she used to teach the petitioner about these offences in their conversation. She further admitted that disputes arose between them on account of the fact that he got back into the relationship with his ex-girlfriend.

4. She herself has also stated that initially there was no promise to marry for establishing physical relationship. She went on to make allegation of drugs, illegal activities against the petitioner for which no evidence was found by the Investigating Officer in the Chargesheet. It is evident that she was making false allegations in order to implicate the petitioner. She had even told the petitioner that till such time he does not marry her, she should be maintained and paid rent by him.

5. Learned ASJ, South District, Delhi at the time of hearing of bail application, had noted certain observations which prima facie show that respondent No.2 had filed the complaint in order to harass the petitioner, which has been admitted by her at the time of hearing of bail application. The respondent No.2 also admitted during the hearing of bail application, that she was demanding money from the petitioner through his friend Rinku. She also admitted the WhatsApp Chat between her and Rinku. It was observed by the learned ASJ that there was nothing on record to show that



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the petitioner was not having any intention to marry the prosecutrix since beginning. It was also observed that both the parties were in consensual relationship. The petitioner was released on regular bail *vide* detailed Order dated 24.02.2024

6. The Chargesheet has been filed in this present case in April, 2024 under Section 376/506 IPC to which Section 377 IPC has been added in hand by the Investigating Officer.

7. During the investigations, Rinku friend of the petitioner gave a copy of Whatsapp chat between him and respondent No.2 from which it is clear that she was extorting money from the petitioner through him, being the friend of the petitioner as he had already blocked her number; the entire chat along with the screen shots of the payment made by the petitioner to respondent No.2 were placed on record.

8. In fact, the complainant had approached Police Station Neb Sarai on 20.12.2023, wherein their issues were resolved by mutual understanding and DD bearing No.105A dated 20.12.2023 was accordingly recorded wherein she denied any kind of sexual assault upon her.

9. Thereafter, the petitioner himself on 31.12.2023 before the registration of the FIR in question, had made a complaint at Police Station Geeta Colony against respondent No.2 wherein he had expressed an apprehension that respondent No.2 would turn her threats into action of implicating him in a fake rape case. Then, another compromise was effected between the parties on 01.01.2024 at Police Station Geeta Colony.

10. Before registration of the FIR, respondent No.2 twice entered into the settlement and thereafter demanded money and when her demands were not



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fulfilled, the FIR has been registered. The circumstances clearly reflect the *malafide* in getting the FIR registered.

11. It is further stated that during the investigations, respondent No.2 refused to hand over her mobile on the ground of privacy. She also refused to get her medical examination done. From the contents of the Chargesheet and supporting documents/evidence, it is abundantly clear that present is a case of extortion by respondent No.2 and there is no incriminating evidence against the petitioner.

12. In the end, it is submitted that no fruitful purpose would be served in continuing with the proceedings in the absence of medical evidence. Further, the WhatsApp Chats and other documents establish non-commission of the offence. It is, therefore, submitted that the FIR and all the proceedings emanating there from may be quashed.

13. **The Status Report** has been filed by the State, wherein all the aforementioned facts have been narrated and it has been further explained that the victim had been served with a Notice under Section 91 Cr.P.C. to produce the documents and articles i.e her mobile phone and messages, conversations and her MLC. Some WhatsApp Chats have been submitted with Rinku @ Lucky friend of the petitioner, wherein she had been asking for marriage. The statements of the Security Guards of the building namely Baijju and Caretaker Krishan Kant @ Mandeep have been recorded. The Rent Agreement has also been collected. In the end, it is submitted that after completion of investigations, the Chargesheet against the accused have been filed before the Court. Section 377 IPC has been added on the basis of statement of the victim. The mobile phones of the accused and Rinku which



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had been seized, have been sent for forensic examination to FSL, Rohini which shall be filed along with the supplementary Chargesheet. *The matter is pending before Ld. ASJ for arguments on charge.*

14. *Learned counsel for the petitioner has reiterated the submissions made in the petition.* She has vehemently contended that the complainant on two previous occasions had compromised the matter with the petitioner before the FIR was eventually registered. There is voluminous evidence by way of WhatsApp Chats and the Statement of the Prosecutrix which make it abundantly evident that it is only a case of extortion of money from the petitioner. This fact also finds corroboration from the observations made by the learned ASJ while granting bail to the petitioner.

15. The counsel for the prosecutrix has further submitted that while she was in relationship with the petitioner, she was beaten severally on many occasions and was threatened against reporting the matter to the Police or to any other Authority. She is a young girl of 21 years living alone in Delhi, having no support. She has been living a life of perpetual fear and has an apprehension of safety of her life. She, despite having been taken advantage of by the petitioner, was not in a position to report the matter. She reaffirms that there was a promise of marriage made by the petitioner and that she had been physically and sexually abused. It is submitted that even though the Chargesheet has been filed, but instead of facing the trial it is appropriate that the FIR should be quashed by this Court.

16. The **learned Prosecutor on behalf of the State** has submitted that the investigations have been completed and all the relevant evidences have been collected and the Chargesheet already stands filed in the Court.



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17. **Submissions heard.**

18. The petitioner in support of her assertions has relied upon the judgments of Manoj Bajpayi vs State of Delhi bearing W.P. Cr. 7711201-1 decided on 21st May 2015; Rajiv Thapar and Ors. versus Madan Lal Kapoor 2013 (3) SCC 330; Prashant Bharti vs State of NCT of Delhi 2013 (3) SCC (Cri) 920; Naim Ahamed v state (NCT of Delhi) bearing CrI Appeal No.257/2023 decided on 30th January 2023; XXX vs. State of Madhya Pradesh and Anr. bearing CrI Appeal No. 3431 I 2023 decided on 6th March 2024, Jai Krishna Mandai and Anr. vs State of Jharkhand (2010) 14 SCC 534, Rajoo and ors. vs State of MP AIR 2009 SC 858, Tameezuddin @ Tammu vs State NCT of Delhi (2009) 15 SCC 566; Capt Simranjit Singh Sambhi vs State (NCT of Delhi) CrI M.C. No. 2960/2021 decided on 7th March 2022; Narender Singh versus State of Punjab (2014) 6 SCC 466; Shambhu Kharwar versus State of Uttar Pradesh 2022 INSC 827; State of Haryana versus Bhajan Lal (1992) Supp (1) SCC 335; Suresh Garodia versus State of Assam and Anr. CrI. Appeal 185/2024 decided on 09.01.2024 where FIRs have been quashed under the ambit of Section 482 Cr.P.C. in similar cases.

19. Though the petitioner has sought quashing of the FIR on the various facts and details as narrated above, but the fact remains that the Chargesheet has been filed in the Court before the filing of the present petition. The matter is now pending for arguments on charge. It is a fit case where all these facts which form part of the Chargesheet and all the documents, statements and requisite details are available before the learned Trial Court and all the contentions raised in the present petition, can be agitated before the LD. ASJ where the case is at the stage of framing of Charge. Pertinently,



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much emphasis has been laid on the observations made by the learned ASJ about his interaction and responses given by the prosecutrix, but those statements were considered at the time of granting bail. The evidentiary value of those statements needs to be considered comprehensively for the purpose of Trial. In the light of the surrounding facts and circumstances, they cannot be taken into isolation to hold them against the prosecutrix.

20. Without commenting on the facts and merits of the case, it is hereby directed that the petitioner is at liberty to agitate all these aspects before the learned ASJ who may consider them in accordance with law. At this stage there is no occasion with this Court to consider whether no offence is made out and the FIR is liable to be discharged. While conducting the investigations aside from the aspects which have been highlighted in the petition, there is comprehensive investigation which has been carried out and the learned ASJ, in the first instance is well equipped to consider the entire aspects in entirety. The present petition is, therefore, disposed of with liberty to the petitioner to agitate all these aspects before the learned ASJ, while addressing the arguments on charge.

21. The petition is accordingly disposed of along with the pending application.

(NEENA BANSAL KRISHNA)
JUDGE

AUGUST 2, 2024/VA