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

+ CRL.M.C. 5833/2024, CRL.M.A. 22297/2024 &
CRL.M.A. 22298/2024

CAPT RAKESH WALIA (RETD)Petitioner
Through: Mr. Sharian Mukherji,
Advocate.

versus

STATE OF (NCT) OF DELHI & ANR.Respondents
Through: Mr. Naresh Kumar
Chahar, APP for the State
with Ms. Neha Vasist, Mr.
Abhimanyu Panwar,
Mohd. Akhlaw Alvi, Mr.
Rahil Akhlaque & Mr.
Akash, Advocates.
SI Gita Yadav (P.S.
Mehrauli).

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
31.07.2024

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1. The present petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS'), seeking quashing of chargesheet in FIR No.766/2021, registered at Police Station Mehrauli, for offences under Sections 376/377/506/328 of the Indian Penal Code, 1860 ('IPC').
2. The learned counsel for the petitioner submits that the petitioner is a senior citizen and has been falsely implicated in the present case.
3. He submits that it has come on record that the complainant, apart from the present FIR, has given multiple



complaints against various persons falsely implicating them by alleging rape.

4. He submits that the complainant is running a racket of sextortion and is in a habit of falsely implicating persons. He submits that the continuation of the proceedings is an abuse of the process of Court.

5. The charge sheet was filed way back on 22.11.2022.

6. On being pointedly asked, the learned Additional Public Prosecutor for the State, states that all the aspects on investigation including that the complainant is involved in many more cases of similar nature has been brought to the knowledge of the learned Trial Court.

7. Concededly, the learned Trial Court is seized of the matter, and will pass an appropriate order after considering the arguments on behalf of the petitioner.

8. It is not in doubt that the High Court has wide discretionary powers under Section 528 of the BNSS to entertain a petition in order to secure the ends of justice. However, it cannot be denied that the learned Trial Court is equally competent to consider all the aspects of investigation and pass an appropriate order in case no case is made out against the petitioner.

9. It is not the case that the investigation or the proceedings before the learned Trial Court have been delayed.

10. In view of the above, this Court does not consider it apposite to entertain the present petition.

11. The learned Trial Court is directed to consider the arguments on charge expeditiously, and to pass an order after considering the arguments raised by the petitioner in the present



petition.

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

13. The petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

JULY 31, 2024

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