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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 72/2024 & CRL.M.A. 289/2024**
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..... Petitioner

Through: Ms.Naiem Jahan Heena, Adv.
(DHCLSC) with Mr.Raj
Kumar, Advs (present through
VC).
Petitioner present in court.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms.Priyanka Dalal, APP
W/SI Soni, PS Bharat Nagar &
W/ASI Sushma, PS Maya Puri.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

16.04.2024

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1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') challenging the order dated 17.11.2023 passed by the learned Additional Sessions Judge-01, (POCSO), North West, Rohini, in SC No. 651/2017, titled *State v. Mohit & Ors.*, finding the petitioner guilty of an offence under Section 22 of the Protection of Children from Sexual Offences Act, 2012 (in short, 'POCSO') and imposing a fine of Rs.1,00,000/- on her to be deposited within a month of the order with the Armed Forces Battle Casualties Welfare Relief Fund and in case of default, to undergo simple imprisonment for three months.

2. The Impugned Order came to be passed in proceedings in



relation with FIR No. 377/2016 registered at Police Station: Bharat Nagar, Delhi for offence under Sections 323/506/509/376/34 of the Indian Penal Code, 1860 (in short, 'IPC') and Section 6 of the POCSO Act. The said FIR was filed on a complaint made by the petitioner who alleged therein that her brother-in-law had tried to inflict harm upon her while also threatening to rape her as well as her three and a half year-old daughter

3. The learned Additional Sessions Judge, vide the Impugned Order, has taken note of the statement of the petitioner, who appeared as PW-5 and had resiled out of her earlier statement given. The learned Additional Sessions Judge found that the petitioner had made a false complaint against the accused person solely with the intent to extract property from the accused.

4. The learned counsel for the petitioner submits that the petitioner is a widowed lady and is doing household job, earning approximately Rs.5000-6000/- per month, and has to take care of her two minor children. She states that her husband passed away on 16.03.2022 and, on the persuasion of the elders, she decided not to depose against the accused. She submits that the original complaint had also been filed out of a misunderstanding, however, there was no intent to file a false complaint against the accused.

5. The learned APP, on the other hand, submits that clearly the petitioner has misused the criminal process by filing a false complaint against the accused, who are the family members, in order to settle a property dispute. She submits that, therefore, no fault can be found in the Impugned Order.



6. I have considered the submissions made by the learned counsels for the parties.

7. It is apparent that the petitioner has misused the criminal process in order to settle a family dispute with her in-laws, who were made the accused. Therefore, as far as the Impugned Order finding her guilty of an offence under Section 22 of the POCSO Act, no fault can be found with the same.

8. On the issue of fine, however, keeping in view the fact that the petitioner is a widow and has two minor children to support, and also keeping in view her financial condition, it is felt appropriate that the fine imposed on her be reduced to Rs.20,000/- to be deposited with the Armed Forces Battle Casualties Welfare Relief Fund in Account No. 90552010165915, IFSC Code: CNRB0019055, Canara Bank, within a period of eight weeks from today, failing which the petitioner shall undergo simple imprisonment for one month.

9. The petition and the pending application are disposed of accordingly.

NAVIN CHAWLA, J

APRIL 16, 2024/rv/RP

Click here to check corrigendum, if any