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

+ **W.P.(CRL) 3006/2024 & CRL. MA 29235/2024**

SMT KESRI DEVI

.....Petitioner

Through: Mr. Siddharth Pandit, Mr. Vishwa
Prakash Rai, Mr. J.K. Sharma and Mr.
Vipin Kumar, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms. Nandita Rao, ASC (Crl.) for the
State with Mr. Amit Peswani,
Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

26.09.2024

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1. By way of present petition, the petitioner seeks quashing of the FIR No. 04/2024 registered under Sections 302/201/147/149/34 IPC and Sections 25/27 Arms Act, 1959, at P.S. Bindapur, Delhi, qua the present petitioner, on the ground that the name of the petitioner was not taken in the FIR and that the witnesses stated only '*family members*' of the assailants in their initial statements. Subsequently, on recording of the disclosure statements, the name of the present petitioner was revealed and she was arrayed as an accused.

2. Learned counsel for the petitioner submits that the CCTV footage would show that the petitioner has not played any active role in the incident and that a general and vague statement has been made that family members of the main accused, *Ajay Gujarati*, were there.

3. The petition is opposed by learned ASC (Crl.) for the State who submits that the present case is registered under Section 302 IPC, *inter alia*,



in the context of an incident that took place on the intervening night of 01.01.2024 and 02.01.2024. She further submits that as per the statements of the witnesses, the accused persons were already known to the deceased and that there was a prior dispute existing between them. It is also submitted that while the accused *Ajay Gujarati* was carrying a knife of silver colour, the other accused persons hit the deceased with beer bottles and cricket bats. Though the accused persons were accompanied by their family members, whose roles have been stated by the witnesses as well as captured in the CCTV footage, the learned ASC has specifically pointed out to the supplementary statement of *Aaditya s/o Ravi Srivastav*, where the name of the present petitioner has been explicitly stated. Moreover, it is submitted that proceedings under Section 82 Cr.P.C have also been initiated against the present petitioner. It is also stated that the anticipatory bail application previously filed on behalf of the petitioner was dismissed as withdrawn.

4. Considering the statements of the witnesses and the fact that there is a CCTV footage showing presence of the present petitioner on the spot of the incident and that the present case was registered under Section 149 IPC besides other sections, I find no ground to entertain the present petition and the same is accordingly dismissed along with pending application.

5. Needless to state, the observations made hereinabove would not come in the way of the petitioner at the time of further proceedings and shall not have a bearing on the trial of the case.

MANOJ KUMAR OHRI, J

SEPTEMBER 26, 2024/rd