

CRM-M-28144-2025**DHIRAJ GUPTA****VS****STATE OF HARYANA AND ANOTHER**

Present Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. G.S. Dhillon, Advocate,
for the petitioner.

Dr. Anmol Rattan Sidhu, learned Senior Counsel appearing on behalf of the petitioner submitted that it is a case where the present FIR was lodged against the petitioner which is purely an abuse of the process of law. He further submitted that respondent No.2/complainant has lodged an FIR by alleging that when she had gone to watch a movie, there were two boys sitting along with her and thereafter, one of the boys committed rape upon her but no such complaint was lodged by her at that time and it was after a period of seven months that respondent No.2/complainant lodged the present FIR against the petitioner by so stating that she has recognized him on facebook. Learned Senior Counsel submitted that it is a pure case of blackmailing and extortion and in this regard, he referred to Annexure P-11 which is an FIR registered in Jaipur City wherein respondent No.2/complainant is an accused in a similar kind of case whereby similar allegation of extortion has been mentioned and also referred to another FIR registered in Jaipur City (Annexure P-12) which was also lodged by respondent No.2/complainant against one other person under Section 376 IPC and the same was also a case of extortion. He further submitted that respondent No.2/complainant is habitual of filing such FIRs for blackmailing and extortion by making a honey trap and also submitted that

there was no justification with respondent No.2/complainant for the aforesaid delay in lodging of the FIR.

Learned Senior Counsel also submitted that rather a compromise has been arrived at between the parties and a petition was filed for quashing of the FIR based upon compromise but the same was dismissed as withdrawn in view of the judgment passed by Hon'ble Supreme Court in "**State of Madhya Pradesh Vs. Laxmi Narayan and others**", 2019(2) SCC (Criminal) 706, in which it was so held that by way of a compromise in such kind of serious offences there can be no quashing of the FIR and now the present petition has been filed for quashing of the FIR on merits. He further submitted that even at the time of trial, respondent No.2 has not supported prosecution version and has been declared hostile.

Learned Senior Counsel further submitted that during the pendency of the trial SIT was constituted and vide Annexure P-10 wherein it was rather so concluded that a case be registered against the complainant/respondent No.2 and some other accused also as it was a case of extortion and consequent upon the same, vide Annexure P-9 even an FIR has been registered on 26.09.2024 against the complainant/respondent and other persons on the basis of the complaint made by the petitioner.

Learned Senior Counsel referred to the judgment of Hon'ble Supreme Court passed in "**State of Haryana and others Vs. Ch. Bhajan Lal and others**", 1991(1) RCR (Criminal) 383 to contend that when on the face of it, the *mala fide* can be ascertained and seen then it is a ground for quashing of the FIR on merits even at the threshold level and submitted that present is a case which falls within the parameters laid down by the Hon'ble

Supreme Court in *State of Haryana and others Vs. Ch. Bhajan Lal and others's case (Supra)*.

Notice of motion.

On the asking of the Court, Mr. Surinder Kumar Dagar, D.A.G., Haryana, who is present in Court, accepts notice on behalf of the respondent No.1/State and prays for some time to seek instructions and to file an affidavit/reply in the present case.

Let separate notice be issued to respondent No.2 on filing of process fee.

Adjourned to 28.10.2025.

Till the next date of hearing, further proceedings before learned trial Court shall remain stayed *qua* the present petitioner.

22.05.2025
Bhumika

(JASGURPREET SINGH PURI)
JUDGE