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

+ **CRL.M.C. 934/2025 & CRL.M.A. 4285-4286/2025**

BHARAT@NONI SHARMA

.....Petitioner

Through: Mr. Sahil Khurana, Mr. Sumit and
Ms. Anoushka Bhalla, Advocates

versus

STATE & ANR.

.....Respondents

Through: Mr. Laksh Khanna, APP for the State
WSI Akanksha Chillar, PS Civil
Lines

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **12.02.2025**

CRL.M.A. 4286/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 934/2025

3. This petition has filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing and setting-aside of the impugned FIR No. 460/2022 registered at Police Station (PS) Civil Lines, Delhi for offences under Sections 376/323/341/34 of Indian Penal Code, 1860 ('IPC') and Section 4 of Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') and the charge-sheet filed under Section 354 (A) IPC and Section 8 POCSO Act.

4. Learned counsel for the Petitioner states that the Petitioner has been charge-sheeted under Section 354 (A) IPC and Section 8 POCSO Act.



4.1. He states that the alleged incident which forms the subject matter of the FIR is dated 11.12.2022 and the alleged incident is stated to have occurred at 6 P.M. He states that, however, at that time the Petitioner herein was at his place of work at Haiderpur, Delhi. He states that in regards to this the CCTV footage of the Petitioner's place of work from approximately 10:28 A.M. to 7:30 P.M. is duly available and has been seized by the Investigating Officer (IO).

4.2. He states that the prosecutrix in her supplementary statement recorded under Section 161 Cr.P.C. dated 14.12.2012 has categorically stated that on the date of the alleged incident, Petitioner had not assaulted her. He states that the prosecutrix in her statement under Section 161 Cr.P.C. dated 12.12.2012 has not mentioned anything about the Petitioner as regards any alleged sexual assault on her by the Petitioner. He states improvement had been made in the statement recorded under Section 164 Cr.P.C wherein vague allegations of alleged earlier dates have been levelled.

4.3. He states that the footage clearly shows the presence of the Petitioner at his office on 11.12.2022. He states that the CDR of the mobile number of the Petitioner has also been collected by the IO and that clearly shows the presence of the Petitioner at this office. He states that in view of his independent verifiable footage, the Petitioner herein is aggrieved by the chargesheet filed by the IO without having taking into consideration the said unbreachable evidence.

4.4. He states that there was a fight between family of the prosecutrix with the family of accused Manoj. He states that the fight was between the two families and the Petitioner herein is not a member of the family of accused Manoj. He states that the Petitioner herein is the friend of the daughter of



accused Manoj. He states that implication of the Petitioner in the FIR is motivated. He states that the averments made in Section 161 Cr. P.C. and the Section 164 Cr. P.C. statements with respect to the Petitioner herein are absolutely vague and bereft of any material evidence.

5. Issue notice. Learned APP accepts notice.

6. Mr. Khanna, Learned APP states that the chargesheet already stands filed and the charges are yet to be framed. He states that all these defences are available to the Petitioner and can be raised before the Trial Court which shall be consider in accordance with law. He states that, however, he disputes the contentions of the Petitioner herein with respect to his non-presence at the site of the offence.

7. This Court is of the considered opinion that since the evidence relied upon by the Petitioner has already been made a part of the chargesheet, the Petitioner herein, therefore, has an efficacious remedy of approaching the Trial Court and raising these averments at the state of framing of charges.

8. After some arguments, learned counsel for the Petitioner states that he seeks liberty to withdraw the present petition and raise all pleas available to him in law at the stage of framing of charges.

9. Accordingly, the petition is disposed of as withdrawn with liberty reserved as prayed for.

10. Pending applications stands disposed of.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 12, 2025/msh/ms

Click here to check corrigendum, if any