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

+ **CRL.REV.P. 289/2019**

AMIT KUMAR PRASHAD

.....Petitioner

Through: Mr. Medhanshu Tripathi, Mr. Tushar
Tokas, Advocates

versus

STATE AND ANR

.....Respondents

Through: Mr. Mukesh Kumar, APP for the
State

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **10.01.2025**

CRL.M.A. 513/2025 (for early hearing)

1. For the reasons and grounds stated in the application, the application is allowed and the main petition is called and taken up on the Board today itself.

CRL.REV.P. 289/2019

2. The present petition filed under Section 482 of Code of Criminal Procedure, 1973 seeks quashing of FIR/chargesheet and the consequent proceedings emanating therefrom in FIR No. 230/2018 instituted under Sections 354/506/376 of the Indian Penal Code, 1860, at Police Station Safdarjung Enclave.

3. In the instant petition, the proceedings were initiated in 2019, however, no stay was granted. Subsequently, on 14th September, 2023, the



Court passed the following order:

- “1. Despite two opportunities, response on behalf of respondent no.2 has not been filed. Learned counsel for respondent no.2 seeks further time to file a response. Let the same be done before the next date of hearing, with an advance copy to learned counsel for the petitioner.*
- 2. List on 15.12.2023.*
- 3. In the meantime, the learned Trial Court is requested to defer the hearing of the case to a date after the date of hearing in the present petition.*
- 4. Copy of the order be sent to the concerned Trial Court for necessary information and compliance.*
- 5. Order be uploaded on the website of this court forthwith.”*

4. Thereafter, the said order was directed to be continued. However, on 27th November, 2024, APP for the State had informed the Court that the trial was almost over and only the Investigating Officer¹ is to be examined and all other witnesses have been examined.

5. Taking note of these submissions, the Court passed the following order:

- “1. Senior Counsel for the petitioner seeks to place certain judgments on record in support of his plea for quashing the charges framed in FIR No.230/2018 registered at P.S. Safdarjung Enclave under Sections 354/376/506 IPC.*
- 2. APP for State, however, states that the trial is almost over and only IO has to be examined. All other witnesses have been examined.*
- 3. While, the Counsel for the petitioner adverts to the statements recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. as well as the observations of the IO recorded in the charge sheet that statements made by the complainant were untruthful.*
- 4. APP for State adverts to the testimony which is now recorded of the prosecutrix, who has been duly cross-examined. Nine other prosecution witnesses have also been examined. Only IO's examination is to be recorded, which is listed for 21st December 2024.*
- 5. It is directed that the trial shall continue unabated during the pendency of these proceedings.*
- 6. Accordingly, renotify for 20th March 2025.*
- 7. Order be uploaded on the website of this Court.”*

¹ “IO”



6. The Court is informed that on 21st December, 2024, the IO was not examined. Counsel for the Petitioner states that they have filed an application for examining the Prosecutrix again and also for placing on record the evidence which is in the nature of CCTV footage. He further submits that these applications were filed in the year 2020.

7. In the opinion of the Court, since the trial is nearly in conclusion and the Petitioner is taking steps to adduce evidence to prove his innocence before the Trial Court, this Court would not like to exercise its discretionary jurisdiction under Section 482 of the Code of Criminal Procedure for quashing of the FIR and the chargesheet. All the grounds urged in the present petition can be raised at the stage of the final arguments after the conclusion of the trial.

8. In view of the foregoing, the present petition is dismissed.

9. It is clarified that the Court has not commented on the merits of the case and all rights and contentions of the parties are left open.

10. Dismissed, along with pending applications.

SANJEEV NARULA, J

JANUARY 10, 2025/ab