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

+ **CRL.M.C. 4228/2024**

NITIN GUPTA

..... Petitioner

Through: Mr. Nikhil Goel, Sr. Adv. with Mr.
Sahil Raveen and Ms. Siddhi Gupta,
Advs.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr. Raj Kumar, APP for State with SI
Sanjay Nain PS Sarai Rohilla

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

22.05.2024

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CRL.M.A. 16031/2024 (exemption)

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

CRL.M.C. 4228/2024

3. The present petition has been filed praying for quashing of FIR No. 928/2023 under Sections 354A/506/509/34 IPC registered at P.S. Sarai Rohilla and all incidental proceedings emanating therefrom.
4. The learned senior counsel for the petitioner submits that the present petitioner and complainant are closely related in as much as the complainant is real aunt (*chachi*) of the petitioner. He submits that both the families are staying in the same premises and there are as many as 08 litigations



instituted by the husband of the complainant against the family of the petitioner. In support of his contention, the learned senior counsel has invited the attention of the Court to the page 29 of the petition where the details of said 08 cases have been enumerated. According to him, the present FIR is only an arm twisting tactic.

5. He further submits that the present complaint was filed as early as on 01.07.2023 and the same was subjected to an inquiry. Referring to an action taken report dated 09.11.2023 (annexure P17), he submits that three witnesses were examined during the course of inquiry who stated that neither the accused no. 1/Rakesh Kumar nor accused no. 2 (present petitioner) used abusive and filthy language against the present complainant. It is also recorded in the action taken report that the present matter is related to a dispute of property No. 19/92, Old Rohtak Road, Bhaskar Bhawan, Sarai Rohilla, Delhi and no cognizable offence is made out.

6. He submits that the date of the action taken report is 09.11.2023 but notwithstanding the findings recorded in the said report, the complaint was converted into FIR on 22.12.2023.

7. The learned senior counsel has also referred to the FIR to submit that the allegations contained therein are inherently improbable. He further invites the attention of the Court to Annexure P18 which are the screenshots of the chats which had taken place between the petitioner and the complainant, her husband and her daughter, to contend that the talks for compromise are on and the said chat reveals that the relations between the parties are cordial and as such cordiality could not exist had there been truth in the allegations made in the FIR.

8. In view of the above, issue notice. The learned APP for the State



accepts notice.

9. On petitioner taking steps, let notice be issued to the respondent no. 2 by all permissible modes, returnable on 03.09.2024.

CRL.M.A. 16030/2024 (stay)

10. The present application has been filed seeking following relief:

“A. Pass an order directing stay of investigation and any other proceeding in the subject FIR being FIR No. 928 dated 22.12.2023 [P. S. – Sarai Rohilla] under Sections 354A, 506, 509 and 34 of the Indian Penal Code”

11. Issue notice. Learned APP for the State accepts notice.

12. On petitioner taking steps, let notice be issued to the respondent no. 2 by all permissible modes, returnable on 03.09.2024.

13. The learned senior counsel urges the Court to stay the investigation *qua* the aforesaid FIR. However, the said relief shall be considered on the next date after the respondent no.2 has been served.

14. However, in the meanwhile, considering the submissions of the learned senior counsel, which *prima facie* appears to have substance, it is directed that no coercive action be taken against the present petitioner subject to his joining investigation as and when called upon by the IO, till the next date.

VIKAS MAHAJAN, J

MAY 22, 2024

N.S. ASWAL