



\$~52

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

+ **CRL.M.C. 4834/2022**

ACHYUT PADMANABHA RAO Petitioner

Through: Mr. Jaspreet Singh Rai and Mr.
Aamir Raza Khan, Advocates

versus

STATE NCT OF DELHI AND ANR. Respondents

Through: Mr. Ajay Vikram Singh, APP for the
State with SI Amolak, PS Vasant
Kunj
Ms. Anjali Rajput, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

%

22.09.2022

CRL.M.A. 19413/2022-EX.

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 4834/2022

This is a petition seeking quashing of FIR No. 329/2022, dated 01.07.2022 registered at police station Vasant Kunj, New Delhi, under Sections 328, 376, 377, 506 of IPC and proceedings enating therefrom.

It is stated in the petition that the petitioner and respondent no. 2 were in consensual relationship and it is only when the relationship soured that the present FIR has been registered.

Mr. Rai, learned counsel appearing for the petitioner has taken me



through the status report filed by the investigating agency before the Trial Court in the bail application and more particularly the portion, which reads as under:-

“The analysis of the whatsapp chats revealed that both were in a consensual love relationship and prosecutrix was not under any threat and pressure. Chats revealed that both missed each other and used to fix days for their meetings and physical relations.

Further analysis of whatsapp chats of accused he had sent message to one Johnson Varghese where he calls prosecutrix as her fiancée and discussing the inconsistencies of prosecutrix. Alleged either shared any photo's of prosecutrix with him nor threatened. Further alleged had called brother of prosecutrix namely Ashish on 17.06.2022 and also father of prosecutrix on 16.06.2022. Further alleged has sent whatsapp messages to brother of prosecutrix on 16.6.2022 wherein he has informed him that prosecutrix and he broke up on a very bad note and to support the prosecutrix. Alleged has father messaged that since Ashish phone was switched off he called father of prosecutrix and has asked the brother of prosecutrix to meet along with prosecutrix and resolve all the matter.

Further account details of account No. 913010054900178 was obtained from AXIS Bank and on perusal of account statement of prosecutrix it was found that alleged had transferred money to prosecutrix account on various dates and the first being on 8.12.2021 (date of incidence) and last being on 21.5.2022 but no money has been transferred by prosecutrix to accused account ever.

Further the CDR of accused mobile and prosecutrix mobile were analyzed and both were found to be in regular contact with each other and the last being on 27.06.2022 i.e after registration of zero FIR.



Issue notice.

Mr. Singh, Ld. APP accepts notice for respondent no. 1.

Ms. Rajput, learned counsel accepts notice for respondent no. 2 and seeks and is granted four weeks time to file response/status report.

Rejoinder, if any, be filed within two weeks thereafter.

List on 06.01.2023.

The parties are at liberty to file the charge-sheet in the case.

JASMEET SINGH, J

SEPTEMBER 22, 2022 /rhc

[Click here to check corrigendum, if any](#)