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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5338/2024, CRL.M.A. 20410/2024, CRL.M.A.
20411/2024, CRL.M.A. 20412/2024 & CRL.M.A.
20413/2024

SAHINA KHATOONPetitioner
Through: Mr. Roopenshu Pratap
Singh, Mr. Vikram Singh
Kushwaha, Mr. Manish
Sharma, Mr. Madhur
Gupta & Mr. Vivek Singh,
Advocates

versus

THE STATE OF NCT OF
DELHI AND ANRRespondents
Through: Mr. Naresh Kumar
Chahar, APP with
Mr. Ritesh Tiwari Sithanu,
Ms. Radha Rani Tarkar,
Advocates for the State
with SI Gurish, PS
Paharganj.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
15.07.2024

1. The present petition is filed, seeking quashing of the FIR 241/2024, under Sections 376D/34 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offence Act, 2012, registered at Police Station Pahar Ganj.
2. The learned counsel for the petitioner submits that the FIR was registered on a complaint given by the prosecutrix, who is

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also the step-daughter of the petitioner, alleging that in the month of March, 2024, while she was coming back from the school the co-accused Simmi took her to a hotel room. The prosecutrix claimed that she does not remember the room number and when she entered the room, she found that the petitioner was also present alongwith three-four more people.

3. It is alleged that the petitioner gave prosecutrix a cold drink and thereafter the persons who were present in the room committed rape on her. She further alleged that the co-accused Simi threatened that her video would be made viral in case she complained.

4. The complaint of the alleged act was made on 01.05.2024 pursuant to which the present FIR was registered.

5. The learned counsel for the petitioner submits that the petitioner has been implicated due to various litigations which are pending between the petitioner and the father of the prosecutrix. He submits that on 17.01.2024 an FIR was registered on a complaint given by the real daughter of the petitioner who has alleged that the real brother of the prosecutrix had committed rape on her.

6. He submits that the petitioner on an earlier occasion was married to somebody else, and after taking divorce got married to the father of the prosecutrix in the year 2014. There are various litigations between the parties including matrimonial disputes.

7. He submits that the provisions of Section 376(D) IPC bars the petitioner from filing any application under Section 438 of the Code of Criminal Procedures, 1973 and if no interim protection is granted, the purpose of the filing of the petition will be defeated.

8. He submits that the petitioner has always cooperated in the
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investigation since the parties are involved in various litigations and multiple FIRs have been registered at the instance of the parties.

9. It is not disputed that FIR 86/2024 was registered on 17.01.2024 where the allegations were made by the daughter of the petitioner against the real brother of the prosecutrix alleging rape. The parties have been staying separately from last more than one year on account of matrimonial and other disputes.

10. In the present FIR 241/2024, the prosecutrix alleged that the offence was committed sometime in the month of March, 2024. It is further noted in the FIR that she informed this to her brother on the very same day, however, the FIR was registered belatedly on 01.05.2022. The serious allegations were made by the daughter of the petitioner on earlier occasion against the brother of the prosecutrix. The petitioner is also stated to be staying with her parents at the present.

11. On the petitioner taking necessary steps, issue notice to respondent No. 2 through all permissible modes.

12. The respondent No. 1 / State is directed not to take coercive steps, subject to the petitioner joining and cooperating in investigation.

13. The Investigating Officer is directed to inform the prosecutrix of the next date of hearing.

14. List on 18.10.2024.

AMIT MAHAJAN, J

JULY 15, 2024

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