
(2007) 10 DEL CK 0245

In the Delhi High Court

Case No : Writ Petition (Criminal) No. 976 of 2003

Rajesh Dhingra and Others

APPELLANT

Vs

The State and Others

RESPONDENT

Date of Decision : 22-10-2007

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Penal Code, 1860 (IPC) — Section 170, 323, 34, 356, 379

Citation : (2007) 10 DEL CK 0245

Hon'ble Judges : S.N. Dhingra, J

Bench : Single Bench

Advocate : O.P. Wadhwa, for the Appellant; Rajdipa Behura and K.C.M. Khan and Imran K. Burney, for the Respondent

Final Decision : Disposed Off

Judgement

Shiv Narayan Dhingra, J.—This petition under Article 226/227 of the Constitution of India has been filed for quashing of FIR No. 98/2003 u/s 498A IPC registered at PS Mahila Thana, Alwar Gate Ajmer (Rajasthan). It is submitted by the petitioners that petitioner No. 1 was a government servant and working as Production Assistant in Doordarshan since 1984. He married respondent No. 4/ complainant as per Hindu rites on 11.2.2000 at Ajmer Rajasthan. The marriage was arranged through newspaper advertisement inserted by the petitioner No. 1. Petitioner in his advertisement had stated that he would prefer a girl not desiring physical relationships and even a widow/divorcee shall be suitable. Respondent No. 4 in response to advertisement claimed that she was a virgin, a qualified doctor and daughter of Mr. Justice S.N. Bhargava. The marriage was performed in Arya Samaj Mandir at Saraghana Ajmer in a simple manner. After marriage petitioner No. 1 and Respondent No. 4 stayed at Ajmer and then at Kota. Petitioner No. 1 used to take leave from his office from time to time in order to stay with Respondent No. 4. Finally, petitioner No. 1 and Respondent No. 4 came to Delhi in June, 2002 and started living in a rented accommodation at Uttam Nagar. Although respondent No. 4 had claimed that she was a virgin, but

petitioners found that she was earlier married to one Shri Naresh Ginodia and had two children from the said wedlock. She was not the daughter of Justice S.N. Bhargava and was daughter of one Shri Atma Ram Aggarwal. She was not a doctor but was hardly a metric pass, but was falsely impersonating as a doctor. Respondent No. 4 started blackmailing and perpetuating cruelties on petitioner no. 1. She lodged a complaint against petitioners No. 1-3 at CAW Cell, Kirti Nagar as well as CAW Cell Nanakpura. The petitioners No. 2 and 3 moved application for anticipatory bail and vide order dated 21st June, 2003 directions were given that 05 days notice be given by the police in case they intend to arrest the petitioners No. 2 and 3. However, the CAW Cell Kirti Nagar closed the case due to the pendency of the similar proceedings before the CAW Cell Nanakpura. CAW Cell Nanakpura closed the proceedings holding that no case was made out against the petitioners and rather respondent No. 4 was treating petitioner No. 1 with cruelty. Thereafter, respondent No. 4 got the impugned false FIR registered against the petitioner No. 1 and other relatives at Ajmer (Rajasthan), in July, 2003 despite Respondent No. 4 living with petitioner No. 1 at that time when she lodged the FIR. The petitioner No. 1 learnt about this FIR only when police officers from Ajmer came to PS Kirti Nagar to arrest the petitioner. Petitioner No. 1 then again applied for anticipatory bail and went to Ajmer.

2. It is submitted that no part of the offence as alleged in FIR registered at Ajmer had been committed within the jurisdiction of PS Mahila Thana Alwar Gate, Ajmer (Rajasthan) and the respondent/wife misused the process of law by invoking name of Justice S.N. Bhargava. The report of CAW Cell (west) has been placed on record in respect of earlier complaint of Respondent No. 4.

3. Respondent had also lodged an FIR No. 60/04 u/s 356 and 379 read with Section 34 IPC against petitioners No. 1 and 2 and two more persons. A report was called from Police Station in this FIR by the Court of Additional Sessions Judge, Delhi. The report gives a detail of activities of Respondent No. 4. The Report reads as under:

Sir,

On receipt of order of the Hon"ble Court dated 06/02/2004 I have verified the facts. It is true that the complainant Smt. Asha Dhingra has impersonated herself to a doctor, IAS Officer and daughter of Sh. S.N. Bhargava, Judge. The details of her impersonation at various places are given below:

1. On 04/11/2000 she stayed in Grand Hotel (Holiday Home), Shimla by impersonating herself as a teacher of Central School, Guhati, Assam, copy of receipt is attached as Annexure "A".

2. On 26/08/2001 she impersonated herself as doctor Asha Aggarwal, got a case registered u/s 323/451 IPC at P.S. Dada Bari, Distt. Kota, Rajasthan against one Nikhileish Gupta, an AIR Force Officer. During investigation the allegations were found false and case was closed as cancelled and accepted by ADSJ, Kota, copy

of FIR and order of Court are attached as Annexure "B".

3. She also started a Hostel at 107-B/301-C, Talwandi, Kota by the name of Regency Hostel. There she impersonated as Director, Dr. Asha Aggarwal. Copy of land Bill is attached as Annexure "C". She got the premises on rent by impersonating daughter of Justice Bhargava and vacated the premises after taking Rupees One Lac. Copy of statement of Sh. Arun Jain, Landlord is attached as Annexure "D".

4. On 09/01/2003 she wrote a letter to Health Minister, New Delhi impersonating herself as Dr. Asha (MS Gynae) Prop. of Ginodia Enterprises. Copy of letter is attached as Annexure "E".

5. On 14th December, 2002 she wrote a letter to Chief Executive Officer, Prasar Bharti claiming to be teacher of Jaipur College and requested for the transfer of her husband in Jaipur. Copy of letter is attached as Annexure "F".

6. On 25/09/1999 she got case FIR No. 457/1999, u/s 379/356 IPC registered at PS Kirti Nagar, in which she has mentioned her name Smt. Asha, D/o Justice Bhargava. Copy of the FIR is attached as Annexure "G".

7. I have also visited 20/46, Renu Path, Ambedkar Marg, Mansarovar, Jaipur, R/o Justice S.N. Bhargava. His son was found present who stated that Asha Dhingra is a cheater lady and using the name of his father falsely.

I have also visited Ludhiana and found that case FIR No. 401 u/s 170/419/420 IPC was registered against her at PS Division No. 5, District Ludhiana for impersonating as Deputy Commissioner. The case is still pending trial.

In regard false registration of present case by the complainant it is submitted that the investigation is in progress and it will take some time to reach a logical conclusion. Report is submitted here. Forwarded please.

Sd/-

Om Bir Singh, ASI

PS Tilak Nagar

New Delhi

Sd/-

Addl. SHO

01/-3/2004

4. Similar is the report of CAW Cell (West) submitted by ACP (West) wherein the misdeeds of respondent have been brought on record in detail and it was categorically stated that it was respondent No. 4, who was harassing the petitioners and perpetuating cruelties on her husband and her in-laws for ill motives.

5. During arguments, the counsel for respondent No. 4 was unable to explain the conduct of respondent No. 4 regarding mis-representation and falsely claiming herself to be the daughter of Justice S.N. Bhargava, impersonating herself as IAS Officer and of extorting money of Rs. 2 lac from petitioner in the name of setting up a girls' hostel and falsely claiming that she was married to petitioner in 1980, in her complaint to CAW Cell Kirti Nagar. He was unable to explain the conduct of Respondent No. 4 in lodging the FIR at Ajmer, after her complaints at CAW Cell Kirti Nagar and Nanakpura were closed. Even in her FIR registered at Ajmer she claimed that her marriage was got arranged through Justice S.N. Bhargava. It is apparent from the enquiries made by Delhi Police that she had been using the name of Justice S.N. Bhargava just to create influence and take wrongful advantage. An enquiry made by Delhi Police from the family of Justice S.N. Bhargava shows that the family of Justice Bhargava had no association with her. Letter written by her to Health Minister posing as doctor (MS Gynae) also shows that she had been using the name of Justice S.N. Bhargava and had been writing her address as c/o Justice S.N. Bhargava. In FIR registered at Kirti Nagar she described herself as daughter of Justice S.N. Bhargava. It is apparent that she was an impersonator and a cheater who was out to use law as a tool for extortion. It is again an attempt on the part of the Respondent No. 4 to mislead the police by claiming to be a relative of Justice S.N. Bhargava and making false allegations against the petitioners and others.

6. It is settled law that normally the Court should not quash an FIR and should allow the investigation to proceed and come to a logical conclusion. The Court should quash FIR only in rarest of rare cases. However, it is also the responsibility of the Court to see that the provisions of law are not used as tools of harassment by impersonators and cheaters for extortion. Respondent No. 4 in this case is an impersonator, who claimed herself to be the daughter of Justice S.N. Bhargava while she is not. She imposed herself as an IAS Officer and daughter of Justice S.N. Bhargava, during her visit at Ludhiana and claimed herself as to be the Deputy Commissioner of Shimla. When police of Ludhiana got doubt over her identity she claimed herself as Deputy Secretary (Home) of Sikkim. However, this claim of her was also found false and a case was registered against her at Ludhiana. She claimed herself as MS (Gynae) while she was hardly a metriculate.

7. I consider she was out to misuse to name of Justice S.N. Bhargava to extort money by lodging false FIRs. The writ petition is allowed and the FIR No. 98/2003 u/s 498A IPC registered at PS Mahila Thana, Alwar Gate Ajmer (Rajasthan) deserves to be quashed and is hereby quashed.

Writ petition stands disposed of.