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

+ CRL.M.C. 2775/2023

CAPT. RETD JAGADISH RATH

.....Petitioner

Through: Mr. V.K. Singh, Ms. Prachi Singh
and Mr. Sourabh Kumar, Advs.

versus

STATE OF DELHI AND ORS

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
the State with SI Sumit Kumar

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

23.12.2024

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CRL.M.A. 38893/2024

1. The instant application under Section 482 of the Code of Criminal Procedure, 1973 (now under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023) has been filed on behalf of the petitioner/applicant seeking correction/rectification in the order dated 2nd December, 2024 passed by this Court.

2. Learned counsel for the petitioner/applicant submitted that the rectification of Paragraph no. 2 clause (e), Paragraph no. 35 and Paragraph no. 2 clause (g) of the order dated 2nd December, 2024 passed by this Court is required as there are certain inadvertent factual errors identified in the said order. The said order is annexed as Annexure A to the instant application. Therefore, it is prayed that the instant application may be



allowed.

3. At this stage, learned APP appearing on behalf of the State has no objection to the present application being allowed.

4. Heard learned counsel for the parties.

5. This Court has perused the contents of the instant application as well as the order dated 2nd December, 2024 and the contents of the captioned petition.

6. This Court finds cogent grounds in allowing the instant application as there are inadvertent factual errors which are apparent in the order dated 2nd December, 2024 passed by this Court.

7. Therefore, the instant application is allowed and the rectification sought by the applicant in paragraph no. 2(e), 2(g) and 35 shall now be read as under:

“2.....

(e) Subsequently, a petition bearing CRL. M.C. 1588/2020 was filed by the petitioner seeking quashing of the FIR bearing no. 579/2017 on the ground of settlement. The Co-ordinate Bench of this Court vide order dated 24th September, 2020, dismissed the said petition without going into merits.”

“2...

(g) A complaint under Section 156(3) of the Code alongwith Section 200 of the Code was filed by the prosecutrix which was dismissed as withdrawn by the learned Chief Metropolitan Magistrate, Patiala House Courts, New Delhi vide order dated 9th January, 2023”

“35. It is further noted that prior to the registration of the impugned FIR, the prosecutrix had lodged an FIR bearing no. 579/2017 based on the same allegations for the offence punishable under Section 376 of the IPC. However, after dismissal of the petition seeking quashing of the said FIR vide



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order dated 24th September, 2020 by the Co-ordinate bench of this Court, the parties rekindled their relationship and after passage of only few months, the impugned FIR was registered on 20th February, 2021. Therefore, the conduct of the prosecutrix in the frequent filing of the FIRs indicate that no prima facie case is made out against the petitioner as they were in a consensual relationship and the allegations levelled by the prosecutrix are baseless, misconceived and are not substantiated with any material evidence.”

8. Accordingly, the instant application is disposed of in view of the aforesaid terms.
9. This order be uploaded as a corrigendum to the order dated 2nd December, 2024.

CHANDRA DHARI SINGH, J

DECEMBER 23, 2024

Rt/mk

Click here to check corrigendum, if any