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

+ CRL.M.C. 4129/2023 & CRL.M.A. 15492/2023

AMANPREET SINGH BEDI

..... Petitioner

Through: Dr. Sarbjit Sharma, Ms. Rudrakshi
Gautam, Mr. Yashi Chaturvedi,
Advocates

versus

GOVT OF NCT OF DELHI & ANR

..... Respondent

Through: Mr. Shoaib Haider, APP for State
with SI Shalini, PS Welcome
Mr. Sharad Pandey, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

19.10.2023

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[The proceeding has been conducted through Hybrid mode]

1. This is a petition under Section 482 Cr.P.C., 1973 seeking quashing of FIR No.654/2021 dated 30.11.2021 under Sections 354D IPC, 1860 and Section 12 of POCSO Act, 2012 registered at Police Station Welcome, Delhi and the proceedings emanating therefrom, on the grounds of settlement between the parties.

2. Case of the prosecution as per the status report are as under:-

“1. Succinctly facts of the case are that case FIR was registered at PS Welcome on 30/11/2021 on the statement of victim 'M' in which she stated that she lives at above mentioned address and studies in 6th class. On 29/11/2021 at around

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06:30 pm she was playing in the street of his home along with her friend then an uncle came and stood up in the middle. He pushed her back and touched her breast inappropriately. However, she managed to escape and went forward side and he went backside. He followed her and moved in the same direction as she moved. She came to her home and told everything to her father. Her father chased him and caught him but he managed to escape. After that a PCR call was made and she filed a complaint at PS Welcome accordingly case FIR no 654/21 got registered in PS Welcome.

2. During the course of investigation on 30.11.2021 counselling of the victim was done from DCW counsellor and statement u/s164 CrPC of victim was recorded by the Hon' ble court in which she corroborated her statement of FIR. Victim has denied for her medical examination. Statements u/s161 CrPC were recorded.

3. Site plan was prepared on the identification of prosecutrix. CCTV footage of [REDACTED] Delhi which is installed where incidence occurred were checked and has been secured in which complainant and Accused Aman preet Singh Bedi is seen in [REDACTED] from 6:00 P.M to 7:30 P.M. At around 6:30 PM in front of [REDACTED] Delhi Accused Aman Preet Singh Bedi touched her breast inappropriately. At around 7: 15 PM victim told to her father that a man stalking her from one hour than her father ran behind him and caught him. Victim's father took his Adhar Card where he caught him which is taken into police possession through seizure memo accordingly it is revealed about the accused i.e. Aman Preet Singh Bedi [REDACTED] The DVR of that CCTV Footage has been seized and taken into police possession through seizure memo. The victim's friends who were seen in the video footage where the offence was occurred, were examined in which one girl gave her statement as a public witness in the present case.



4. During the course of investigation, the search of accused Arnan Preet Singh Bedi was made and the family members were asked about his whereabouts but they did not provide the address and mobile numbers of accused. Secret informers and beat officers were informed and sensitized about the case and raids were conducted at his houses but no clue found.”

4. Dr. Sarbijit Sharma, learned counsel appearing for the petitioner submits that the petitioner is a patient of Bipolar Disorder and has filed on record the medical documents issued by Dr. Ram Manohar Lohia hospital, Delhi and other medical documents to show that the petitioner, though a major as on the date of incident, has no control over his actions.

5. Dr. Sarbijit Sharma invites attention of this Court to the medical documents by Institute of Human Behaviour and Allied Sciences (For Short ‘IHBAS’) under the orders of the learned Trial Court.

6. He submits that subsequently this Court vide the order dated 12.04.2023 in Bail Appln.1028/2023, a medical board was constituted by the All India Institute of Medical Sciences (AIIMS), Delhi which was further directed to conduct medical examination and give its report.

7. Dr. Sarbijit Sharma submits that consequent to the medical examination conducted by the Board of AIIMS, the Board had concluded that the petitioner is indeed suffering from Psychosis N.O.S. (Not Otherwise Specified) with Borderline Intellectual ability.

8. On that basis, Dr. Sarbijit Sharma submits that the applicant was unaware of his actions as on the date of the incident.



9. That apart, Dr. Sarbijit Sharma submits that in any case, the parties have settled the disputes and the father of the victim has deposed an affidavit giving to the quashing of the aforesaid FIR.

10. Learned counsel appearing for the respondent No.2 and affirms the submissions of Dr. Sarbijit Sharma in respect of the reasons for settlement.

11. This Court has interacted with the father of the victim, namely, Sh. Uday Prakash who submits that he is aware of the said situation and has no objection in case the present FIR is quashed.

12. This court, independent of the statement of father of the victim, has examined the medical records placed in the file. Though the status report filed on record by the State discloses that the CCTV footage has captured the petitioner along with the victim, however, in view of the medical records placed on file, it appears that the petitioner was unaware of his actions.

13. Apart from the medical records of RML hospital and IHBAS, the medical board constituted by AIIMS comprising of four senior most doctors, that too from the Department of psychiatry, had generated a report dated 25.05.2023, which is also placed on record in original. The report of the said committee is as under:

ALL INDIA INSTITUTE OF MEDICAL SCIENCES
Ansari Nagar, New Delhi - 110029
No.F.2-50/Medical Board/2023-Estt.(H.) *Dated: 25.05.2023*

Subject: Report of the medical board constituted at AIIMS for medical examination of petitioner Mr. Amanpreet Singh Bedi in compliance of order dated 12.04.2023 of Hon'ble Mr. Justice Anup Jairam



Bhambhani, High Court of Delhi vide Bail Appln. 1028/2023 & CR. M.A. 8357/2023 titled Amanpreet Singh Bedi Versus State NCT of Delhi & Anr.

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A medical board was constituted by the Medical Superintendent AIIMS, on subject noted above.

- 1, Dr, Nand Kumar - Chairperson
Professor, Deptt. of Psychiatry*
- 2, Dr, Gagan Hans - Member
Asso. Professor. Deptt. of Psychiatry*
- 3, Dr, Swati Kedia - Member
Asstt. Professor, Deptt. of Psychiatry*
- 4, Dr, Poonam - Member Secy.
Department of Hospital Administration*

The board members convened its first meeting on 12.05.2023 at 02:30 P.M.in Room No.13, M.S. Office Wing, Ground Floor, AIIMS, New Delhi.

Petitioner Mr, Amanpreet Singh Bedi got examined in Psychiatry OPD AIIMS New Delhi on 15.05.2023 and 23.05.2023, The board met again on 25.05.2023 at 02:30 P.M. in Room No.13, M.S. Office Wing, Ground Floor, AIIMS, New Delhi. All the board members were present.

The medical board is of the opinion that petitioner Mr, Amanpreet Singh Bedi is suffering from psychosis- N,O,S, (Not Otherwise Specified) with Borderline Intellectual ability. Based on the current examination, the medical board is of the opinion that petitioner Mr,



Amanpreet Singh Bedi requires regular medical care and supervision & support of the family members for his compliance to medical treatment.

14. A perusal of the aforesaid report, brings to fore that the petitioner is suffering from Psychosis N.O.S. (Not Otherwise Specified) with Borderline Intellectual ability.

15. On that basis, the medical board has opined that the petitioner required regular medical care and supervision and the support of the family members for his compliance to the medical treatment. Though the medical report, does not give any further details, however, the said opinion coupled with the no objection given by the father of the victim, propel this Court to quash the aforesaid FIR and the proceedings emanating therefrom.

16. Accordingly, FIR No.654/2021 dated 30.11.2021 under Sections 354D IPC, 1860 and Section 12 POCSO Act, 2012 registered at Police Station Welcome, Delhi and the proceedings emanating therefrom are quashed.

17. The petition is disposed of.

TUSHAR RAO GEDELA, J

OCTOBER 19, 2023/MS