

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2025
(arising out of SLP (Crl.) No.14850 of 2024)

RAKESH WALIA

APPELLANT(S)

VERSUS

STATE OF NCT OF DELHI & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. The appellant before this Court seeks the quashing of FIR No.766 of 2021, registered at Mehrauli Police Station, District South Delhi, for offenses punishable under Sections 376, 377, 328, and 506 of the Indian Penal Code, 1860.

3. The allegation in the FIR is that respondent no.2/complainant, who has refused to appear despite service of notice being complete, states that she is a housewife, aged about 39 years, having two daughters. She lives separately from her husband, for the last three years. She claimed to have previously worked as a freelance model but had since left modeling and was looking for a job. She came into contact with the appellant through Facebook. She contacted the appellant, who assured her a job opportunity and asked her to meet him regarding a modelling assignment. Initially, she declined, but upon the appellant's persistent requests, she agreed to meet him on 29.12.2021 at

Chhatarpur Metro Station in the afternoon.

4. According to the complainant, she got into the appellant's car, where he offered her a cold-drink, which was spiked, and was not to her knowledge. After consuming it, she allegedly lost consciousness and was taken to a deserted place, where she was molested and raped. These are allegations and then she later lodged a complaint with the police.

5. Apart from her statement in the FIR and her statement under Section 164 of the Criminal Procedure Code, 1973 (as per new act, under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023), there is no other evidence on record. However, what is most concerning before this Court is that the same respondent has filed nearly identical cases at least against eight other individuals (nine cases in total). These FIRs, lodged in different Police Stations across Delhi, involve offenses under Sections 34, 328, 354, 354A, 354D, 376, 377, 506, and 509 of IPC. The relevant chart detailing these cases, supplied by the appellant, is taken on record.

6. Additionally, we have been informed that after lodging the FIR, the complainant has not cooperated with the investigation and has not appeared before this Court despite being served with notice.

7. The appellant is a retired Army officer and the author of five books, some of which are claimed to be bestsellers. He asserts that he had only contacted respondent no.2 as she had offered her services for promoting his books. The appellant first approached the High Court under Section 482 of the Criminal Procedure Code,

1973 (as per new Act, under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), seeking the quashing of proceedings, but his petition was dismissed.

8. Considering the nature of the case and the cumulative circumstances, we are of the opinion that the criminal case initiated against the appellant is nothing but an abuse of the process of law. This is precisely the nature of case where the High Court ought to have exercised its inherent powers under Section 482 Cr.P.C. (as per new act, under Section 528 B.N.S.S.) and should have quashed the proceedings.

9. Under these circumstances, we see no reason why the appellant should be subjected to a process that is clearly an abuse of the process. Accordingly, the criminal proceedings initiated against the appellant, i.e., FIR No.766 of 2021 of Mehrauli Police Station, South (Delhi) is hereby quashed.

10. The appeal is allowed.

11. Pending application(s), if any, shall stand disposed of.

.....J.
(SUDHANSHU DHULIA)

.....J.
(K. VINOD CHANDRAN)

NEW DELHI;
25th February, 2025.

ITEM NO.18

COURT NO.12

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRL.) NO.14850 OF 2024

RAKESH WALIA

APPELLANT(S)

VERSUS

STATE OF NCT OF DELHI & ANR.

RESPONDENT(S)

FOR ADMISSION

Date : 25-02-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Appellant(s) :

Mr. Ashwani Kumar Dubey, AOR
Mr. Adwait Ghosh, Adv.
Mr. Chandra Shekhar, Adv.

For Respondent(s) :

Mr. Brijender Chahar, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Raman Yadav, Adv.
Mr. Advitya Awasthi, Adv.
Mr. Santosh Kumar, Adv.
Mr. Nar Hari Singh, Adv.
Mr. Sarthak Karol, Adv.
Mr. Amit Sharma V, Adv.

Upon hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order, which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(D. NAVEEN)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
ASSISTANT REGISTRAR