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

% *Date of decision: 13th February, 2025*

+ **CRL.M.C. 976/2025 & Crl.M.A. 4490-91/2025**

AMANDEEP SINGH BATRA

s/o Sh. Varinder Singh Batra
R/o C-119, Greater Kailash I
New Delhi

ANKUSH ANDAND

s/o Sh. Jagdish Chander Anand
R/o H.No.13 & 13, 1st Floor, Block-B
Pocket-5, Sector-3, Rohini
Delhi

.....Petitioners

Through: Mr. Abhimanyu Bhandari, Senior
Advocate with Ms. Devika Mahan
& Ms. Mehak Jaggi, Advocates for
Petitioner No.1
Mr. J. K. Sharma, Senior Advocate
with Mr. Kartikay Sharma, Ms.
Rishika & Mr. Arjun Syal,
Advocates for Petitioner No.2

Versus

STATE GOVT. OF NCT OF DELHI

PRATEEK CHAUDHARY

S/O Sh. Swarn Kumar Chaudhary
R/o Plot No.19, 11th Floor Avenue, Sundarvan
Church Road, Vasant Kunj, Delhi

.....Respondents



Through: Mr. Sanjeev Bhandari, Additional
Standing Counsel for Respondent
No.1
Mr. Amit Chadha, Senior
Advocate with Mr. Sanjog Singh
Arneja, Mr. Harjas Singh,
Advocates for Respondent No.2.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The present Appeal under Section 528 of *Bhartiya Nagrik Suraksha Sanhita, 2023* read with Articles 226/227 of the Constitution of India has been filed seeking quashing of FIR No. 325/2023, under Sections 307/34/120B IPC and Sections 25/27 Arms Act, registered at Police Station Vasant Kunj (South), New Delhi; Charge Sheet filed therein and Order dated 28.08.2023 taking cognizance along with consequential proceedings emanating therefrom.
2. Learned Senior Counsel for Petitioner has argued the FIR in question was registered on 03.06.2023, in which Charge-Sheet as well as Supplementary Charge-Sheet has already been filed. The learned Additional Chief Metropolitan Magistrate ('ACMM') took cognizance on 28.08.2023.
3. The Petitioners are victims of false, fabricated, motivated and frivolous prosecution lodged on the basis of a Complaint made by Respondent No.2- Prateek Chaudhary, who was having an affair with erstwhile wife of Petitioner No.1-Amandeep Singh Batra. Petitioner No.2-Ankush Anand is a close friend as well as business Associate of



Petitioner No.1, who has been roped into this false case in order to harass Petitioner No.1, as they have known each other for last about 15 years.

4. It is asserted that the FIR has been filed as an arm-twisting tactic to pressurize Petitioner No.1 to give divorce to his wife and also to use it as tool to pressurize him throughout the Divorce proceedings. Pertinently, after registration of the FIR and after filing of the Charge-Sheet, Petitioner No.1 and his wife have got divorced.

5. The Complainant is asserted to be an extremely influential person, who runs a number of famous Night Clubs in Delhi. He has close proximity with high-ranking police officials and celebrities and has been using his influence to harass the Petitioners. The Complainant has also deep-rooted connections with gangsters Lawrence Bishnoi and Goldy Brar and has also flaunted his close relations with them on social media to intimidate and threaten the Petitioners' and their friends. The Complainant has used these relations to threaten and harass the Petitioner No.1, who is living under constant fear of his life and liberty.

6. It is further asserted that in the FIR in question, the Complainant has merely mentioned that he suspects that the unidentified men shot him at the behest of the Petitioners. It is further asserted that the entire case against the Petitioners is based on mere disclosure statements of co-accused persons and 15 seconds phone call between the purported shooters and Petitioner No.1, the contents of which admittedly could not be retrieved by the State. There is no whisper of any sentence or word in the entire Charge-sheet nor are there are any allegations that the Shooter called Petitioner No.2. Even after detailed investigations, Prosecution has



not been able find a single piece of evidence to show how and when and where the Petitioners have ever met the alleged shooters.

7. *Learned Senior Advocate* on behalf of Petitioner No.1 has further submitted that Petitioner No.1 in an endeavor to reconcile the differences with his wife took her along with some friends, for a holiday in summer, 2023 he which irked the Complainant and, on their return, he orchestrated the shooting on himself and falsely implicated the Petitioners in this FIR. Even though the Complainant has objected to the Anticipatory Bail of the Petitioner, but he has entered into a settlement with the Shooters and has not objected to their bail. It is thus; clear that the present FIR is nothing but a personal vendetta and falsehood in order to frame the Petitioners against whom his Complaint has been retained, which clearly shows that the Complaint is a motivated one.

8. This is further evident from the fact that after filing of Anticipatory Bail by the Petitioners, the Complainant filed a supplementary complaint dated 17.07.2023 wherein he elaborated the role of the Petitioners. Furthermore, the Complainant also sought cancellation of the Anticipatory Bail granted to the Petitioners, but withdrew the same immediately after filing of the first motion of divorce by Mutual Consent by Petitioner No.1 and his wife. Such conduct of Complainant clearly shows the motivated nature of the case against the Petitioners and that the same is nothing but an attempt to harass them.

9. *Learned Senior Advocate* has also submitted that certain police officials have allowed themselves to be used as a vehicle of harassment which was unleashed on Petitioner No.1 so that Petitioner No.1 succumbs



to the demand of divorce as his wife was having an affair with the Complainant and is now living with him. The Petitioner No.1 had to also let go custody of his only child aged 06 years in order to save himself from the police harassment and malicious prosecution.

10. It is also submitted that Petitioner No.1 has also lodged an *FIR No. 376/2024, under Section 308(4) of BNS*; however, till date no action has been taken on his FIR.

11. Petitioner No.1 was forced to file a petition [W.P.(Crl.) 3781/2024] wherein this Court directed the Respondent-State to grant protection to his liberty and life. He is now under immense threat to withdraw his Complaint/FIR against the Complainant. On the occasion of *Diwali*, Petitioner No.1 had hosted a gathering of business associates and close family friends and a team of police officers and a large number of police officials without disclosing the reasons, carried out search proceedings and one of the police officials asked him to withdraw his FIR against the Complainant.

12. Even his erstwhile wife in a telephonic call, has asked Petitioner No.1 that if the Complainant can get himself shot at, he can also orchestrate an attack on him.

13. Reliance is placed on Apex Court's decisions in *Inder Mohan Goswami Vs. State of Uttaranchal* (2007) 12 SC 1; *Janta Dal Vs. H.S.Chowdhary* (1992) 4 SCC 305 and *Zandu Pharmaceutical Works Ltd. Vs. Mohd. Sharaful Haque*, AIR 2005 SC 9.

14. Reliance has also been placed upon *Dinesh Dutt Joshi Vs. State of Rajasthan* (2001) 8 SCC 570; *State of Karnataka Vs. M. Devendrappa*



(2002) 3 SCC 89 and Vineet Kumar Vs. State of U.P. (2017) 13 SCC 369.

15. Also, reliance is placed on ***State of Haryana Vs. Bhajan Lal*** 1992 Supp (1) SCC 335 wherein it is held that *where a criminal proceeding is manifestly attended with mala fide and or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge, the Court ought not to hesitate in exercise of its jurisdiction under Section 482 Cr.P.C.*

16. It is submitted that the Petitioners are only victims of false and frivolous Complaint and the investigation were completely biased and therefore, the investigation in this case may be transferred to the Central Bureau of Investigation or any other Central Agency. Reliance is placed on Mitihlesh Kumar Singh Vs. State of Rajasthan (2015) 9 SC 795.

17. Learned Senior Counsel for Petitioner No.2 has also submitted that FIR is outcome of relationship between the Complainant and his erstwhile wife, who is living with the Complainant. It has been vehemently contended that the incident of shoot out by two shooters at the Complainant was completely orchestrated and stage managed. In fact, Petitioner No.1 had never spoken to the Shooters, except the alleged one 15 seconds call, contents of which have not been retrieved. Also, Petitioner No.2, who is a friend of Petitioner No.1, has been falsely roped in this case though there is no whisper of any evidence against him. It is also submitted that there is a transcription of conversation between the Petitioner and his wife, in which she has supported the conspiracy hatched by the Complainant.



18. The quashing of FIR and consequent proceedings is thus, sought on behalf of the Petitioners.

19. *Learned Additional Public Prosecutor for Respondent-State* as well as learned *Senior Counsel for the Complainant* has opposed the present Petition and submitted that the contentions raised by the Petitioner have no basis as the investigation of the case has already been transferred to the Crime Branch. After complete investigations, Charge-sheet and Supplementary charge sheet have been filed and cognizance has been taken in 2023. This petition is nothing but an endeavour to stall the process of law.

20. **Submissions heard and record perused.**

21. The entire facts which have been narrated by the Petitioners reflect that there may have been a motive which led to the incident of a shootout. However, the Complaint specifically avers that on 03.06.2023 the shooters had fired at the Complainant at the behest of the two Petitioners. *It per se* discloses a cognizable offence for which an FIR has been registered and the investigation has been carried out by the Crime Branch; Charge Sheet filed on which cognizance has been taken by the Ld. Trial Court. Aside from claiming that the investigation has not been carried out in a fair manner, it has not been pointed out on which aspect the investigation is lacking.

22. The Petitioners are claiming that the entire incident is not supported by any independent evidence as there is nothing to connect the Petitioners with the two shooters and also that this entire incident has been faked. The truthfulness and the merit of the contentions raised



herein may be factors to be considered during the trial, but it cannot be said that at this stage, there is any ground for quashing of the FIR or the proceedings emanating there-from.

23. The Charge Sheet has already been filed and the case is at the stage of framing of Charge. All the assertions and contentions raised herein essentially are to seek discharge for which arguments may be addressed before the learned Trial Court.

24. With aforesaid observations, the present Petition and pending Application(s) are accordingly disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 13, 2025

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