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

CNR No. DLHC010358242026

+ **CRL.M.C. 5689/2026, CRL.M.A. 23772/2026, CRL.M.A. 23773/2026 & CRL.M.A. 23774/2026**

ANKIT KADIAN

.....Petitioner

Through: Mr. Ankur Chhiber, Sr. Adv. with Mr. Vaibhav Trivedi, Mr. Rahul Sinha, Mr. Shivee Pandey, Mr. Shivam Sharma, Mr. Dhruv Gupta, Mr. Rupesh and Mr. Anand Pandey, Adv.

versus

STATE GNCT OF DELHI & ORS.

.....Respondents

Through: Mr. Naresh Kumar Chahar, APP with SI Vikram, PS Delhi Cantt.

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CNR No. DLHC010358932026

+ **CRL.M.C. 5708/2026, CRL.M.A. 23830/2026, CRL.M.A. 23831/2026 & CRL.M.A. 23832/2026**

NIRANJAN

.....Petitioner

Through: Mr. Ankur Chhiber, Sr. Adv. with Mr. Vaibhav Trivedi, Mr. Rahul Sinha, Mr. Shivee Pandey, Mr. Shivam Sharma, Mr. Dhruv Gupta, Mr. Rupesh and Mr. Anand Pandey, Adv.

versus

STATE GNCT OF DELHI & ORS.

.....Respondents

Through: Mr. Naresh Kumar Chahar, APP with SI Vikram, PS Delhi Cantt.



CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **06.08.2026**

1. This hearing has been done through hybrid mode.
2. These petitions have been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') seeking quashing of FIR No. 354/2024 dated 31.12.2024, registered at Police Station Delhi Cantonment, District South West, for offences punishable under Sections 126, 115(2), 351(2), 309(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS') and all proceedings emanating therefrom. As both petitions arise from the same FIR and involve a common factual matrix, they are being considered together.
3. Issue notice. Learned APP for the State accepts notice on behalf of the State.
4. Briefly stated, on 31.12.2024 at about 1:30 p.m., complainant Vijender Chauhan and his associate Aditya Giri were travelling in vehicle bearing registration No. UP-16-HT-2038, which was being used for campaigning in favour of former MLA Surender Singh in the area between Sadar Bazar and Gopinath Bazar, Delhi Cantonment. It is alleged that, upon reaching Sadar Bazar, petitioner Ankit Kadian, who is the son of the present MLA of the Delhi cantonment constituency, accompanied by six to seven persons, stopped the vehicle and took the complainants towards 24 Quarters, where they were restrained for about one hour and threatened. It is further alleged that when Surender Commando was contacted over a mobile phone, Ankit Kadian took the phone and addressed him in an abusive manner.
5. It is further alleged that at about 2:30 p.m., when the complainants left



the aforesaid place in their vehicle, they were followed and intercepted near Gopinath Bazar. Both petitioners, along with their associates, are alleged to have assaulted and threatened the complainants and taken away two mobile phones, cash amounting to ₹7,840/- and a gold chain. The subject FIR was registered on the basis of the complaint at about 11:00 p.m. on the same day.

6. During investigation, CCTV footage from the vicinity of the alleged incident was collected. The complainant is stated to have identified the petitioners and certain other persons in the footage. Further CCTV footage is stated to depict petitioner Niranjana handing over the two mobile phones to Harish Kain at about 3:30 p.m. on 31.12.2024. The record also reflects that Harish Kain had telephonic conversations with Surrender Commando between 3:30 p.m. and 11 p.m. i.e., the time of registration of the FIR.

7. Aggrieved by the registration of the subject FIR and the proceedings emanating therefrom, the petitioners have preferred the present petitions seeking quashing thereof.

SUBMISSIONS ON BEHALF OF THE PETITIONER

8. Learned counsel for the petitioner submits that the impugned FIR is the result of political vendetta and has been instituted with *mala fide* intent to harass the petitioner, who is a practising Advocate and the son of the sitting MLA from the Delhi Cantonment Assembly Constituency.

9. It is submitted that, even before registration of the present FIR, representations had been addressed to the police authorities apprehending false implication at the instance of political rivals. According to learned counsel, this lends support to the petitioner's plea that the criminal proceedings are actuated by *mala fide* motives.

10. It is further submitted that the allegations in the FIR are inherently



improbable and suffer from material inconsistencies. The FIR is stated to have been registered after an unexplained delay. It is submitted that, although the complainants recovered the allegedly stolen mobile phones on the same day, this material fact was deliberately suppressed. The allegations concerning robbery and theft of cash and a gold chain are stated to have been levelled only to attract graver penal provisions.

11. Learned counsel further submits that the petitioner has cooperated with the investigation throughout and has been granted anticipatory bail by the learned Sessions Court. It is urged that, despite the passage of considerable time, no charge-sheet has been filed. According to learned counsel, this shows that the investigating agency has failed to collect sufficient material to substantiate the allegations against the petitioner.

12. Learned counsel for the petitioner has relied upon paragraph 21 of ***A.M. Mohan v. State, (2024) 12 SCC 181***. It is relied upon to submit that the filing of a charge-sheet does not preclude the High Court from exercising its inherent jurisdiction to quash criminal proceedings.

13. Further, reliance is also placed on ***Ashish Dave vs. The State of Rajasthan MANU/SC/0516/2026***. It is submitted that where the allegations are vague, speculative and bereft of material particulars, the police ought to exercise the option of conducting a preliminary enquiry under Section 173(3) of the BNSS.

14. On the strength of the aforesaid judgments, it is urged that continuation of the subject FIR would amount to an abuse of the process of law.

SUBMISSIONS MADE ON BEHALF OF THE STATE

15. Learned APP for the State submits that the investigation is at its final



stage and that the charge-sheet shall be filed within one week.

16. Learned APP further submits that the pleas raised on behalf of the petitioners involve disputed questions of fact and require appreciation of evidence. Such matters ought to be examined during trial and cannot be adjudicated in proceedings under Section 528 of the BNSS seeking quashing of the FIR.

ANALYSIS

17. This Court has heard the learned counsel for the petitioners and the learned APP for the State and has perused the record, including the judgments placed before it.

18. The petitioners submit, in substance, that the impugned FIR is the result of political rivalry and was registered as a counterblast. According to them, there was a delay in registration of the FIR, and the allegations are improbable and omnibus. They also rely upon the return of the two mobile phones on the same day, the pre-FIR representations and the grant of anticipatory bail in support of their plea of false implication. Learned APP, on the other hand, submits that the FIR, read with the material collected during investigation, discloses cognizable offences. It is submitted that the pleas raised by the petitioners involve disputed questions of fact. The investigation is stated to be at its final stage, and the charge-sheet is to be filed within one week.

19. At the outset, Section 528 of the BNSS preserves the inherent jurisdiction of the High Court to prevent abuse of the process of Court and to secure the ends of justice. The amplitude of the power is not in doubt. It is, however, equally settled that the power must be exercised with restraint. While considering a prayer for quashing of an FIR, the Court is not expected



to test the truthfulness of the allegations or weigh the evidentiary value of disputed material. The enquiry at this stage is confined to whether the FIR, read as it stands, discloses a cognizable offence and whether, the continuation of the proceedings would itself amount to an abuse of process of law.

20. The caution that is to be exercised in such matters was reiterated by the Supreme Court in ***Skoda Auto Volkswagen (India) (P) Ltd. v. State of U.P., (2021) 5 SCC 795***. The relevant portion reads as under:

“41. As cautioned by this Court in State of Haryana v. Bhajan Lal, the power of quashing should be exercised very sparingly and with circumspection, and that too in the rarest of rare cases. While examining a complaint, the quashing of which is sought, the Court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or in the complaint.”

“42. In S.M. Datta v. State of Gujarat, this Court again cautioned that criminal proceedings ought not to be scuttled at the initial stage. Quashing of a complaint should rather be an exception and a rarity than an ordinary rule. In S.M. Datta, this Court held that if a perusal of the first information report leads to disclosure of an offence even broadly, law courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere.”

21. A plain reading of the FIR shows that specific acts have been attributed to the petitioners. Petitioners are alleged to have stopped the vehicle, taken the complainants towards 24 Quarters, restrained and threatened them, and taken the mobile phone during a call. Both petitioners are alleged to have participated in the subsequent occurrence near Gopinath Bazar, where the



complainants were allegedly assaulted and threatened and two mobile phones, cash and a gold chain were taken. The prosecution also relies upon CCTV footage, identification by the complainant and footage stated to depict petitioner Niranjana handing over the two mobile phones to another person. These allegations are not being recorded as proved facts. They are noticed only to determine whether the FIR discloses an offence at the threshold. On this limited consideration, the FIR cannot be said to be devoid of particulars or incapable of disclosing a cognizable offence.

22. For the same reason, the submission that the allegations are vague or that the ingredients of the offences are wholly absent cannot be accepted. Whether the acts alleged are ultimately established against each petitioner, whether the identification from the footage is reliable and whether the requisite intention or common intention is made out are questions which must be answered upon consideration of the material collected during investigation. An adjudication on these aspects in the present proceedings would require the Court to assess evidence, which is impermissible at this stage.

23. The plea regarding delay does not carry the matter any further. The occurrences are alleged to have taken place on 31.12.2024 from about 1:30 p.m. onwards, while the FIR was registered at about 11:00 p.m. on the same day. The petitioners question the intervening interval and the telephonic communications which preceded registration of the FIR. The explanation for the interval and its effect upon the prosecution case must necessarily be tested on evidence. As observed in ***Skoda Auto Volkswagen (supra)***, delay in lodging the complaint cannot, by itself, furnish a ground for quashing where the FIR otherwise discloses a cognizable offence.



24. Considerable emphasis has also been placed upon the return of the mobile phones on the same day and upon the alleged falsity of the accusation regarding cash and the gold chain. The return of the phones within approximately two hours was noticed by the learned Additional Sessions Judge while considering anticipatory bail. That circumstance does not, by itself, efface the allegation concerning the initial taking of the phones. It also does not answer the allegations of restraint, assault and threat or the allegation concerning the other property. The documents and circumstances relied upon by the petitioners form part of their defence. To accept the conclusion sought to be drawn from them, this Court would have to compare the FIR with the CCTV footage, call records, statements and other material collected during investigation. Such an exercise would amount to a mini trial.

25. The plea of political vendetta rests principally upon the pre-FIR representations and the political background asserted by the petitioners. The representations show that an apprehension of false implication had been expressed. They do not establish that the subsequent complaint was false. The existence and effect of the alleged political rivalry, the circumstances leading to the complaint and the rival versions are all disputed. The FIR discloses cognizable offences and, according to the investigating agency, the material collected lends support to the allegations. In these circumstances, *mala fides* cannot be treated as established merely on the basis of the petitioners' pleadings and defence documents.

26. The stage at which the matter is presently placed is also material. In ***Iqbal v. State of U.P., (2023) 8 SCC 734***, the Supreme Court declined to quash the FIR even after observing that the allegations did not inspire confidence on account of the absence of the date and time of the alleged



offences. The investigation in that case had been completed and the charge-sheet was ready to be filed. The relevant portion reads as under:

“7. It is relevant to note that the victim has not furnished any information in regard to the date and time of the commission of the alleged offence. At the same time, we also take notice of the fact that the investigation has been completed and charge-sheet is ready to be filed. Although the allegations levelled in the FIR do not inspire any confidence more particularly in the absence of any specific date, time, etc. of the alleged offences, yet we are of the view that the appellants should prefer discharge application before the trial court under Section 227 of the Code of Criminal Procedure (CrPC). We say so because even according to the State, the investigation is over and charge-sheet is ready to be filed before the competent court. In such circumstances, the trial court should be allowed to look into the materials which the investigating officer might have collected forming part of the charge-sheet. If any such discharge application is filed, the trial court shall look into the materials and take a call whether any case for discharge is made out or not.”

“8. At this stage, we express no final opinion as regards the truthfulness of the allegations levelled in the FIR.”

27. Learned APP for the state has stated that the investigation is at its final stage and that the charge-sheet shall be filed within one week. Unlike the FIR considered in Iqbal alias Bala (supra), the present FIR sets out the date, approximate time and place of the alleged occurrences, the property allegedly taken and the roles attributed to the petitioners.

28. The principle laid down by the supreme court in **A.M. Mohan v. State**,



(2024) 12 SCC 181 does not assist the petitioners beyond establishing that the present petitions are maintainable. The filing of a charge-sheet does not take away the inherent jurisdiction of the High Court. That proposition, however, does not mean that quashing must follow whenever the jurisdiction is invoked. The question is whether the facts of the present case warrant exercise of that jurisdiction. For the reasons already noticed, the material relied upon by the petitioners is more appropriately considered by the learned Trial Court after the charge-sheet is filed.

29. The judgment of the supreme court in **Ashish Dave (supra)** referred to by the learned counsel for the petitioner is distinguishable on facts. The Apex court in this judgment proceeded on the express premise that none of the offences alleged in that FIR carried imprisonment extending beyond seven years. The option of a preliminary enquiry under Section 173(3) of the BNSS was, therefore, available. The complaint in that case was also found to be indeterminate and lacking in basic particulars. The present FIR includes an allegation of robbery under Section 309 of the BNS, for which the applicable punishment extends beyond seven years. The premise on which Section 173(3) was applied in **Ashish Dave (supra)** is thus absent. Further, the present FIR sets out the two alleged occurrences, their approximate time and place, the persons stated to be involved, and the property allegedly taken. It cannot be placed on the same footing as the complaint considered in **Ashish Dave (supra)**.

30. The submission founded upon the grant of anticipatory bail is also without merit. In **Pradip N. Sharma v. State of Gujarat, 2025 SCC OnLine SC 457**, the Supreme Court declined to quash the FIR since cognizable offences were prima facie disclosed and the contentions raised involved



factual disputes. In the same judgment, anticipatory bail was granted having regard to the documentary nature of the evidence, the absence of a demonstrated need for custodial interrogation and the willingness of the accused to cooperate. The distinction is clear. The considerations governing protection from arrest are not the same as those governing quashing of an FIR. The order dated 12.02.2025 granting anticipatory bail to the petitioners did not decide the merits of the accusations. It cannot be read as a finding that the FIR is false or that its continuation amounts to an abuse of process.

31. Both petitions arise out of the same FIR. Apart from the common order granting anticipatory bail, no order in any previous or connected proceeding placed before this Court contains a final determination of the allegations or of the material collected during investigation. The said order, therefore, has no bearing upon the question whether the FIR is liable to be quashed.

32. For the foregoing reasons, this Court finds that the FIR, when read at its face value, discloses cognizable offences. The pleas concerning delay, political rivalry, return of the mobile phones, alleged inconsistencies and absence of the ingredients of the offences involves disputed facts. Their determination would require examination of the material collected during investigation, which is outside the scope of the present proceedings. The investigation is stated to be complete, and the charge-sheet has been stated to be filed within a period of one week. In these circumstances, continuation of the proceedings cannot be said to amount to an abuse of the process of law. The requirements for interference under Section 528 of the BNSS are not made out.

33. In view of the aforesaid discussions, the present petitions are devoid of any merits. Accordingly, the present petitions are dismissed.



34. It is clarified that nothing stated herein shall be treated as an expression on the merits of the case.
35. Pending application (s), if any, stand (s) disposed of.
36. The order be uploaded on the website forthwith.

MADHU JAIN, J

AUGUST 6, 2026/JYH/PG