



\$~78

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010372552026
+ **CRL.M.C. 5908/2026 & CRL.M.A. 24640/2026 CRL.M.A.**
24641/2026

PAWAN GOYAL

.....Petitioner

Through: Mr. Avtar Singh, Adv.
versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Nawal Kishore Jha, APP.

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

ORDER

%

13.08.2026

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the "BNSS") seeking quashing of the proceedings arising out of FIR No. 61/2025 registered at Police Station Prem Nagar for offences punishable under Sections 75 and 351 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the "BNS"), which are presently pending before the Court of the learned Additional Sessions Judge, North-West District, Rohini Courts, Delhi.
3. The FIR came to be registered on 27.01.2025 on the complaint of Respondent No. 2/complainant. It is alleged that the complainant had borrowed a sum of ₹1,50,000/- from the petitioner in the year 2021, at an interest of 7%, owing to her financial difficulties. It is alleged that at the time the loan was advanced, the petitioner had documents pertaining to property



connected with her residence executed in favour of his son as security. It is further alleged that whenever the petitioner visited her residence to collect interest, he made unwelcome physical advances towards her over a period of time, and repeatedly told her that she need not repay the loan if she agreed to establish physical relations with the petitioner.

4. It is alleged that on 11.01.2025 at about 10:30 a.m., while the complainant was at her residence, the petitioner entered her house and, when she asked him to return the property documents on the ground that the loan stood settled, he told her the documents were of no consequence and pressed her to agree to his proposal. It is alleged that he thereafter attempted to forcibly establish physical relations with the complainant against her will and made objectionable remarks, and that she escaped by raising an alarm and running out of the house, following which the petitioner left. It is further alleged that the petitioner has continued to threaten her since, including over telephone calls, threatening to have her belongings removed and her put out of her house.

5. In her statement recorded under Section 183 BNSS during investigation, the complainant additionally stated that she had transferred her house into the petitioner's name as security for the loan, and that the amount, together with interest, stood fully repaid by December 2024.

6. On the basis of the complaint, FIR No. 61/2025 was registered on 27.01.2025 under Sections 75/351 BNS. The petitioner, upon being questioned during investigation, denied the allegations and stated that at the relevant time he was at Aakash Healthcare Super Speciality Hospital, Dwarka, where his wife was admitted for treatment, and furnished the hospital's medical records along with CCTV footage in support. The footage,



together with an examination report obtained from the hospital's IT department, was placed on record. The Call Detail Records of the petitioner's mobile number were also obtained, which indicate that the petitioner's phone was in the Dwarka area from about 07:00 a.m. on 10.01.2025 until his return to Prem Nagar at about 08:22 p.m. on 11.01.2025.

7. During investigation, the petitioner also moved an application under Section 94 BNSS before the learned Judicial Magistrate, seeking preservation of CCTV footage from a PWD camera installed in the vicinity of the residences of both parties. This footage has since been sent for forensic examination; the report of the FSL is awaited and is to be placed on record as and when received.

8. Upon completion of investigation, a chargesheet came to be filed against the petitioner under Sections 75/351 BNS. The chargesheet records, in terms, that no evidence regarding the incident stated to have occurred on 11.01.2025 at about 10:30 a.m. was found during investigation, and that the chargesheet was nonetheless being filed for trial.

9. By order dated 05.02.2026, the learned Judicial Magistrate, after compliance with Section 207 Cr.P.C., committed the case to the Court of Session, noting that the offence under Section 75(2) BNS is exclusively triable by the Court of Session.

10. Aggrieved by the continuation of the proceedings, the petitioner has approached this Court seeking quashing of the FIR and all consequential proceedings arising therefrom.

11. Learned counsel for the petitioner submits that the allegations pertaining to the period prior to 11.01.2025 are vague, inasmuch as neither the dates, times nor specific instances of the alleged acts have been disclosed.



Learned counsel submits that despite alleging repeated acts of misconduct since the year 2021, no complaint was ever lodged by the complainant with any authority until 27.01.2025.

12. With regard to the specific allegation concerning the incident dated 11.01.2025 at about 10:30 a.m., learned counsel submits that the investigation itself has revealed that the petitioner was present at Aakash Healthcare Super Speciality Hospital, Dwarka, where his wife was undergoing treatment. It is contended that the CCTV footage obtained from the hospital, the corresponding examination report and the Call Detail Records of the petitioner establish his presence at Dwarka during the relevant period and completely belie the prosecution version.

13. Learned counsel further submits that the petitioner himself had cooperated with the investigation and had produced the hospital records and CCTV footage before the Investigating Officer. It is submitted that the petitioner had also moved an application under Section 94 BNSS before the learned Judicial Magistrate seeking preservation of CCTV footage from a PWD camera installed near the residences of the parties so as to establish his absence from the spot of occurrence.

14. It is further contended that the charge-sheet itself records that no evidence regarding the alleged incident of 11.01.2025 at about 10:30 a.m. could be found during investigation.

15. Learned counsel also submits that the complainant's residence is situated in a densely populated locality. It is argued that had any such incident occurred, the complainant could have immediately raised an alarm and attracted the attention of neighbours. It is further submitted that no independent witness has supported the version of the complainant and no



material has been collected during investigation to corroborate the allegations.

16. It is additionally contended that the complaint came to be lodged on 27.01.2025, i.e., approximately sixteen days after the alleged incident dated 11.01.2025. According to the petitioner, the unexplained delay in lodging the complaint, coupled with the absence of corroborative evidence and the material collected during investigation, renders the prosecution case inherently doubtful.

17. *Per contra*, learned APP for the State opposes the present petition and submits that the allegations levelled by the complainant disclose the commission of cognizable offences and raise disputed questions of fact which cannot be adjudicated in proceedings under Section 528 BNSS.

18. Learned APP submits that the complainant, in her complaint as well as in her statement recorded under Section 183 BNSS, has consistently alleged that the petitioner, who was known to her and resided in the same neighbourhood, had been harassing her for a considerable period of time and had repeatedly pressurised her to establish physical relations with him.

19. It is further submitted that the statement of the complainant recorded during investigation forms part of the charge-sheet and constitutes material which is required to be considered by the Trial Court at the stage of charge. Learned APP submits that the truthfulness, reliability and evidentiary value of the allegations are matters to be tested during trial and not in proceedings seeking quashing of the FIR.

20. Learned APP accordingly submits that since the material collected during investigation discloses a *prima facie* case requiring adjudication by the Trial Court, no ground for exercise of inherent jurisdiction is made out and the present petition is liable to be dismissed.



21. The scope of jurisdiction under Section 528 BNSS is well settled. This power is to be exercised sparingly and only in the rarest of cases, and the Court is not required to conduct a mini-trial or adjudicate upon the reliability of rival versions at this stage, reference can be made to the judgement of the Supreme Court in ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335, Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021) 19 SCC 401***; and ***CBI v. Aryan Singh, 2023 SCC OnLine SC 379***. The Court is only required to see whether, on a plain reading of the complaint and the material collected, a prima facie case is disclosed.

22. The complaint lodged by respondent no. 2 contains specific allegations against the petitioner. She has alleged that the petitioner repeatedly subjected her to unwelcome physical advances and pressured her to establish physical relations with him, and that on 11.01.2025 he entered her residence and attempted to establish physical relations with her against her wishes. These allegations were reiterated in her statement recorded under Section 183 BNSS.

23. The petitioner's case for quashing rests mainly on the CCTV footage, hospital records and Call Detail Records, which according to the petitioner places him at the hospital in Dwarka at the relevant time. This Court is not barred from looking at such material, where an accused produces documents or electronic records that are sound or of sterling nature, and which displace the accusation without any need to record evidence, the proceedings can be quashed even at this stage. The aforesaid principle was laid down in ***Rajiv Thapar v. Madan Lal Kapoor, (2013) 3 SCC 330***.

24. The perusal of the material on record shows that the material relied upon by the petitioner does not meet the threshold laid down in ***Rajiv Thapar***



(*supra*). The chargesheet itself notes that the CCTV footage was running five and a half hours behind the actual time. There is nothing on record to show whether the petitioner's stated presence from 07:01 a.m. on 10.01.2025 to 06:35 p.m. on 11.01.2025 was worked out after accounting for this lag, or was simply read off the footage as it was. That is not the kind of material that can be called sound or of sterling quality. Whether the lag and delay was accounted for in the CCTV examination report is for the learned Trial Court to decide, this court cannot delve into the evidentiary value of the CCTV examination report.

25. The petitioner had himself moved an application under Section 94 BNSS to preserve CCTV footage from a PWD camera covering the approach to both his house and the complainant's house. That footage has gone to the FSL and the report is still awaited, it would not be appropriate for this Court to quash the case while the very evidence the petitioner asked to be preserved, is not on record and not yet examined.

26. The Supreme Court has also cautioned, in ***Neeharika Infrastructure (supra)*** that a High Court shouldn't turn a quashing petition into a mini-trial, and that a case disclosing a cognizable offence shouldn't be shut down just because the accused has a plausible defence to offer.

27. The contention of the petitioner that the investigation records absence of evidence regarding the incident dated 11.01.2025 also cannot be accepted as a ground for quashing. A perusal of the charge-sheet shows that despite the observations relied upon by the petitioner, the Investigating Agency ultimately found sufficient material to prosecute the petitioner for offences under Sections 75 and 351 BNS. Whether the material collected is sufficient to sustain a conviction is not an issue which can be examined at this stage.



28. Equally, the submissions regarding delay in lodging the complaint, absence of support from neighbours, the alleged financial dispute between the parties and the petitioner's plea that the complaint was lodged to avoid repayment of money are all matters which constitute his defence. These issues require appreciation of evidence and cross-examination of witnesses and are therefore matters to be adjudicated during trial.

29. The matter is presently pending before the learned Sessions Court at the stage of consideration of charge. At this stage, the Court is only required to determine whether a prima facie case exists on the basis of the material collected during investigation. The jurisdiction under Section 528 BNSS cannot be invoked to short-circuit a prosecution merely because the accused disputes the allegations or relies upon material which, according to him, establishes his innocence.

30. In the opinion of this Court, the present case does not fall within any of the categories illustratively enumerated in ***Bhajan Lal (supra)*** warranting exercise of inherent jurisdiction. The allegations contained in the complaint and the statement of the complainant under Section 183 BNSS disclose the commission of cognizable offences and the defence sought to be raised by the petitioner can only be examined upon appreciation of evidence before the Trial Court.

31. Accordingly, no ground is made out for exercise of powers under Section 528 BNSS. The present petition is, therefore, dismissed. Pending applications, if any, also stand disposed of.

32. The order be uploaded on the website forthwith.

MADHU JAIN, J

AUGUST 13, 2026/JYH/P