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

CNR No. DLHC010391522026

+ **CRL.REV.P. 497/2026**

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.....Petitioner

Through: Mr. Yugansh Mittal, Adv. (DHCLSC)
with Mr. Keshav Poonia, Advocate
with petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI AND ORS. Respondents

Through: Ms. Shubhi Gupta, APP for the State.
SI P Buno, PS:Madhu Vihar.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **21.08.2026**

CRL.M.A. 25753/2026 (delay)

1. For the reasons stated in the application, the delay of 18 days in filing the petition stands condoned.
2. Application stands disposed of.

CRL.M.A. 25752/2026 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.REV.P. 497/2026

1. The instant petition has been filed under Section 438 of BNSS, 2023 r/w Section 582 of BNSS against the impugned order dated 30.03.2026. The



petitioner is seeking the following reliefs:

*“a. Call for the records of SC No.954/2024 titled ‘STATE VS RAJIV BHATI & ORS’ passed by the court of MS. RAVINDRA KUMAR PANDEY, ASJ(SC-RC)-02: EAST: KKD COURTS: NEW DELHI ;and/or
b. Set-aside the impugned order impugned order dated 30.03.2026 in the matter titled ‘STATE VS RAJIV BHATI & ORS’ passed by the court of MS. RAVINDRA KUMAR PANDEY, ASJ(SC-RC)-02: EAST: KKD COURTS: NEW DELHI ;and/or”*

2. The petitioner seeks to challenge the order dated 30.03.2026 whereby respondent nos. 2 to 7 were discharged from the offence under Sections 376/323/354B/506/509/356/354/34 of the Indian Penal Code, 1860.

3. The brief facts of the case are that the accused, who is the husband of the prosecutrix, had invited the prosecutrix to his house to sort out their matrimonial disputes. Agreeing to the same, the prosecutrix went to his house and had conversations with the accused, his mother, and his sister. During the said conversation, the family of the accused tried to convince her to change her mind about getting a separation from the accused and also asked her not to ask for the loan amount which her father gave to the accused as a loan for his business. To which she replied that she had already gone to the police station to file the complaint for the same. It is alleged that after that information, they all started beating her and the accused pushed her head on the floor and kicked her on her stomach and face. It is further alleged that she shouted for help, but instead of any leniency, they dragged her inside the last room when the other accused, Rajeev and Tushar, also came and undressed the prosecutrix and tried to assault her sexually. It is also alleged that they made a video of the same to threaten to murder her, seize her property, and leak the videos if she tries to initiate any legal action.

4. A PCR call was made thereafter, and the prosecutrix was taken to the



Police Station. Followed by the same, counselling of the complainant/victim was done and medical examination of her was conducted vide MLC No. 09/2024, dated 28.04.2024.

5. On the basis of the complaint, MLC, and circumstances of the case, the present case bearing FIR No. 290/24, PS Kalyanpuri, u/s 376/323/354B/506/509/356/354/34 IPC was registered, and investigation was initiated.

6. The prosecutrix has also made oral and written submissions about the coercion and the prior fraudulent transfer of money from her mother's account; she alleged that the IO has not added proper legal provisions in the final report and excluded adding a few charges

7. The counsel for the accused denied all the allegations and stated that she has falsely implicated the accused persons in the present case. It is also submitted that the prosecutrix has concealed a lot of facts while making the statements. The counsel has placed reliance on the CCTV footage of the place, and that the prosecutrix was having criminal cases pending against her in different police stations.

8. The investigating agency in its final report has clearly concluded that the allegation made against the accused persons were found to be doubtful on the basis of the minute examination, and that the evidence collected during the investigation in the form of CCTV footage of the place of the incident and its analysis report and the MLC of the prosecutrix does not corroborate the case of the prosecution and contention of the prosecutrix regarding her allegation of the commission of the offence punishable u/s 323/354/354B/506/509/356/34 IPC and allegation u/s 376D IPC. Thus, on the basis of the final report and observations mentioned in the final report,



the court was of the considered opinion that no prima facie case was made against the accused persons for the commission of offences for which they are chargesheeted.

9. The Supreme Court in the case of *Rajiv Thapar and Ors. v. Madan Lal Kapoor*¹ discussed the scope and power of the High Court while dealing with the matters u/s 482 Cr.P.C.; the court held-

29. The issue being examined in the instant case is the jurisdiction of the High Court under Section 482 CrPC, if it chooses to quash the initiation of the prosecution against an accused at the stage of issuing process, or at the stage of committal, or even at the stage of framing of charges. These are all stages before the commencement of the actual trial. The same parameters would naturally be available for later stages as well. The power vested in the High Court under Section 482 CrPC, at the stages referred to hereinabove, would have far-reaching consequences inasmuch as it would negate the prosecution's/complainant's case without allowing the prosecution/complainant to lead evidence. Such a determination must always be rendered with caution, care and circumspection. To invoke its inherent jurisdiction under Section 482 CrPC the High Court has to be fully satisfied that the material produced by the accused is such that would lead to the conclusion that his/their defence is based on sound, reasonable, and indubitable facts; the material produced is such as would rule out and displace the assertions contained in the charges levelled against the accused; and the material produced is such as would clearly reject and overrule the veracity of the allegations contained in the accusations levelled by the prosecution/complainant. It should be sufficient to rule out, reject and discard the accusations levelled by the prosecution/complainant, without the necessity of recording any evidence. For this the material relied upon by the defence should not have been refuted, or alternatively, cannot be justifiably refuted, being material of sterling and impeccable quality. **The material relied upon by the accused should be such as would persuade a reasonable person to dismiss and condemn the actual basis of the accusations as false. In such a situation, the judicial conscience of the High Court would persuade it to exercise its power under Section 482 CrPC to quash such criminal proceedings, for that would prevent abuse of process of the court, and secure the ends of justice.**

30. Based on the factors canvassed in the foregoing paragraphs, we would delineate the following steps to determine the veracity of a prayer for

¹ (2013) 3 SCC 330



quashment raised by an accused by invoking the power vested in the High Court under Section 482 CrPC:

30.1. Step one: whether the material relied upon by the accused is sound, reasonable, and indubitable i.e. the material is of sterling and impeccable quality?

30.2. Step two: whether the material relied upon by the accused would rule out the assertions contained in the charges levelled against the accused i.e. the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e. the material is such as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false?

30.3. Step three: whether the material relied upon by the accused has not been refuted by the prosecution/complainant; and/or the material is such that it cannot be justifiably refuted by the prosecution/complainant?

*30.4. Step four. **whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?***

30.5. If the answer to all the steps is in the affirmative, the judicial conscience of the High Court should persuade it to quash such criminal proceedings in exercise of power vested in it under Section 482 CrPC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom), especially when it is clear that the same would not conclude in the conviction of the accused.

10. The scope of interference by this Court in the exercise of its inherent jurisdiction with such findings is narrow, and is available only where the findings are shown to be perverse, based on no material, or vitiated by a jurisdictional or legal error. No such infirmity has been demonstrated in the present case.

11. Bearing in mind the aforesaid, no interference is called for.

12. Petition stands dismissed.

PURUSHAINDR KUMAR KAURAV, J

AUGUST 21, 2026/P/as