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

+ W.P.(CRL) 105/2022

SARFARAZ AHMAD

..... Petitioner

Through: None.

versus

STATE OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr. Sanjeev Bhandari, ASC for State with Ms. Anvita Bhandari, Mr. Kunal Mittal, Mr. Arjit Sharma and Mr. Vaibhav Vats, Advocates with SI Akshay, PS: Shaheen Bagh.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

10.04.2024

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1. This petition has been filed on behalf of the Petitioner under Article 226 read with Section 482 Cr.P.C. seeking quashing of FIR No. 81/2021 dated 18.03.2021 under Sections 498A/406 IPC, registered at PS: Shaheen Bagh, primarily on the ground that an FIR No. 755/2017 dated 05.12.2017 under Sections 354/354B/323/506/34 IPC has already been registered at PS: Jamia Nagar on the same set of facts and second FIR cannot be registered in law as also that the present FIR is only a tactic to pressurise and harass the Petitioner and his relatives.

2. Order sheets indicate that there was no appearance on behalf of the Petitioner on the last two dates i.e. 12.09.2023 and 01.02.2024. Even today, none appears for the Petitioner. Detailed status report has been filed refuting the grounds raised in the petition for quashing of the FIR. It is stated that



both the FIRs are on separate set of facts and events. Complainant Tabbasum Bano gave a complaint against her husband and in-laws at CAW Cell, South East District that she married the Petitioner on 25.04.2017 as per the Muslim rituals and ever since they have been demanding dowry and harassing her. Investigation was carried out by the CAW Cell and finding substance in the complaint, recommendation was made for registration of FIR, upon which FIR No. 81/2021 dated 18.03.2021 was registered under Sections 498A/406 IPC at PS: Shaheen Bagh. Petitioner was granted anticipatory bail by the Sessions Court on 19.03.2021. During the course of investigation, witnesses were examined and statements were recorded. Accused/Petitioner was formally arrested on 04.02.2022. Notices were served on the brother, sister and mother of the Petitioner under Section 41A Cr.P.C. and they were interrogated.

3. It is stated that during the course of further investigation, it was found that a separate case FIR No. 755/2017 under Sections 323/354/354B/506/34 IPC was registered at PS: Jamia Nagar against the Petitioner and his family members on the complaint by Tabbasum Bano, which is pending trial before the District Court, Saket. Both the FIRs are on different causes of actions and for different offences. FIR No. 755/2017 pertains to an incident dated 27.10.2017 for offences under Sections 323/354/354B/506/34 IPC registered at PS: Jamia Nagar whereas FIR No. 81/2021 relates to offences under Sections 498A/406/34 IPC for the period 25.04.2017 to 28.01.2018. There is no commonality of the incidents or offences and both complaints separately disclosed cognizable offences committed on different dates.

4. None of the statements in the status report are controverted. I have examined the FIRs and find that the State is correct in the submission that



the present FIR has been registered on separate set of facts for different incidents and offences. No ground is made out to quash the present FIR on the only ground raised in the petition.

5. Petition is accordingly dismissed.

JYOTI SINGH, J

APRIL 10, 2024/ shivam