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

+ **CRL.M.C. 2676/2023**

ANAND GAUTAM

.....Petitioner

Through: **Mr. Anuj Chaturvedi, Advocate**

versus

STATE OF NCT OF DELHI & ANR.

....Respondents

Through: **Mr. Yudhvir Singh Chauhan, APP for
the State with SI Vipin Rathi, PS
Tigri**

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

25.11.2024

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1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “CrPC”) [now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”)] has been filed on behalf of the petitioner praying for quashing of the FIR bearing No.193/2022 registered at Police Station - Tigri, Delhi, for the offences punishable under Sections 186/323/353 of the Indian Penal Code, 1860 (hereinafter “IPC”).

2. The brief facts of the case are that on 24th April, 2022, pursuant to some quarrel between the petitioner and some police personnel, including the respondent no. 2, it is alleged that the petitioner was physically assaulted by them. Thereafter, the petitioner was detained in the back of the police vehicle and taken along by the police personnel after which the petitioner



informed his father about the said incident who came to the spot where the police vehicle was stuck in traffic. The petitioner came out of the police vehicle and was allegedly assaulted thereafter as well by the police personnel, including the respondent no. 2.

3. The instant FIR No.193/2022 was registered on 26th April, 2022, at Police Station – Tigri, Delhi under Sections 186/326/353 of the IPC against the petitioner. Following the same, the petitioner was arrested and thereafter granted bail on the same day by the learned Duty MM (South), Saket District Court, Delhi. Subsequently, the chargesheet was filed against the petitioner under Sections 186/323/353 of the IPC. Being aggrieved by the same, the petitioner has filed the instant petition.

4. Learned Counsel appearing for the petitioner submitted that the instant FIR and the chargesheet have been filed only to harass the petitioner. It is further submitted that the said act reeks of *mala fide* and amounts to a sheer abuse of the process of law.

5. It is submitted that the instant FIR is based upon fabricated facts, concealing the true facts of the case as the petitioner was unlawfully assaulted and detained in police vehicle merely because he protested against the rash driving of the police vehicle which was likely to injure the petitioner.

6. It is submitted that the instant FIR was filed with the motive of teaching the petitioner a lesson as he protested against the unlawful conduct of the concerned police officials. It is further submitted that the instant FIR was filed to intimidate the petitioner and deter him from complaining against the concerned police personnel involved in the incident.

7. It is submitted that the said incident took place on 24th April, 2022,



whereas the instant FIR was registered on 26th April, 2022, which shows that the said FIR is clearly an afterthought and was registered with *mala fide* intentions.

8. It is submitted that the investigation was carried out in bad faith in order to implicate the petitioner as the investigating authority turned a blind eye to the CCTV footage and that it does not even form a part of the chargesheet as the said CCTV footage clearly discloses that the petitioner was assaulted by the concerned police personnel. It is further submitted that the chargesheet does not provide for any kind of corroborative evidence to support the prosecution's story.

9. It is submitted that the chargesheet is silent on the fact of complaint lodged by the petitioner against the respondent no.2 to the Vigilance Branch, pursuant to which a departmental enquiry was conducted. It is further submitted that the Enquiry Report prepared pursuant to the said departmental enquiry, has also not been included in the chargesheet.

10. It is submitted that the medical records of the petitioner on the said dates also shows that the petitioner was assaulted by the concerned police officials. It is submitted that the instant FIR is highly vexatious, malicious and prejudicial to the petitioner and the same is based upon an investigation which was biased in order to implicate the petitioner based on false and fabricated facts.

11. It is submitted that the petitioner is a bright young law student with clean antecedents. It is further submitted that the false case arising out of the instant FIR will gravely prejudice petitioner's future prospects and will cause him irreparable harm. Therefore, it is prayed that the instant FIR may be quashed.



12. *Per Contra*, the learned APP appearing on behalf of the State vehemently opposed the instant petition submitting to the effect that on the day of the incident, the petitioner was driving his scooty on the wrong side of the road and consequently, hit the PCR van, pursuant to which the respondent no. 2 tried to caution him against his mistake but the petitioner started to misbehave with them, which led to a scuffle between them and the petitioner ultimately hit respondent no.2's finger with his key which caused injury to him.

13. It is submitted that the petitioner tried to obstruct the public officials in discharging their duty by restraining them from attending the emergency calls that required immediate action by the concerned police officials.

14. It is submitted that an independent enquiry was conducted by Vigilance Branch on the complaint made by the petitioner, pursuant to which an Enquiry Report was prepared in which the Enquiry Officer has clearly noted that it can clearly be seen in the CCTV footage that the petitioner's family members were arguing with and manhandling the police officials, whereas the concerned police personnel did not manhandle the petitioner or his family members.

15. It is submitted that the petitioner behaved in an aggressive manner with the police officials as can be seen in the CCTV footage and thus, a clear case is made out against the petitioner. Therefore, it is prayed that the instant petition may be dismissed.

16. Heard the learned counsel for the parties and perused the material placed on record.

17. The petitioner is present before this Court and has been identified by his counsel Mr. Anuj Chaturvedi and Investigating Officer SI Vipin Rathi,



Police Station - Tigri, Delhi.

18. Before advertng to the merits of the present case, it is important to discuss the settled position of law *qua* this Court's inherent powers to quash an FIR under Section 482 of the CrPC.

19. In the case of ***Vineet Kumar v. State of U.P.*, (2017) 13 SCC 369**, the Hon'ble Supreme Court delineated the scope of the High Court's inherent powers under Section 482 of the CrPC (now Section 528 of the BNSS, 2023). Relevant extract of the same is as under:

"41. Inherent power given to the High Court under Section 482 CrPC is with the purpose and object of advancement of justice. In case solemn process of Court is sought to be abused by a person with some oblique motive, the Court has to thwart the attempt at the very threshold. The Court cannot permit a prosecution to go on if the case falls in one of the categories a illustratively enumerated by this Court in State of Haryana v. Bhajan Lal. Judicial process is a solemn proceeding which cannot be allowed to be converted into an instrument of operation or harassment. When there are materials to indicate that a criminal proceeding is manifestly attended with mala fide and proceeding is maliciously instituted with an ulterior motive, the High Court will not hesitate in exercise of its jurisdiction under Section 482 CrPC to quash the proceeding under Category 7 as enumerated in State of Haryana v. Bhajan Lal, which is to the following effect: (SCC p. 379, para 102)

"102. (7) 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."

Above Category 7 is clearly attracted in the facts of the present case. Although, the High Court has noted the judgment of State of Haryana v. Bhajan Lal, but did not advert to the



relevant facts of the present case, materials on which final report was submitted by the IO. We, thus, are fully satisfied that the present is a fit case where the High Court ought to have exercised its jurisdiction under Section 482 CrPC and quashed the criminal proceedings.”

20. When a criminal proceeding is found to be maliciously instituted, such that it is driven by personal vengeance, or motivated by an ulterior purpose rather than a genuine pursuit of justice, the High Court has the discretion to quash such proceedings under Section 482 of the CrPC (now Section 528 of the BNSS, 2023). The Court's inherent power serves as a critical safeguard against harassment through legal proceedings, ensuring that the solemn process of law is not transformed into an instrument of wreaking vengeance. The fundamental objective of the exercise of the Court's inherent powers is to maintain the integrity of the judicial system, which must be ensured by filtering out proceedings that are manifestly unfair, *mala fide*, or instituted with malicious motive.

21. Upon perusal of the materials placed on record, it is observed that a scuffle broke out between the petitioner and the concerned police personnel in the PCR Van, including the respondent no. 2. The learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in the present case by fabricating facts. On the other hand, the learned APP appearing on behalf of the State submitted that the petitioner tried to obstruct the concerned police officials from conducting their duty and behaved aggressively with them, in addition to injuring the respondent no. 2.

22. It is observed that the chargesheet filed against the petitioner in the present case does not place any reliance on the CCTV footage of the



incident. Further, despite there being multiple witnesses to the incident as it took place on a busy street, the chargesheet does not cite any witness apart from the respondent no. 2 and merely relies on his statement for charging the petitioner for the said offence under Sections 186/353/323 of the IPC.

23. In light of the aforementioned facts and circumstances, this Court is of the view that the allegations made against the petitioner in the present proceedings are unsubstantiated, such that no *prima facie* case is made out against him. It appears to this Court that the present proceedings were maliciously instituted against the petitioner as a reaction to the scuffle that broke out between him and the concerned police personnel, including respondent no. 2.

24. It is also observed by this Court that the petitioner is a young law student and the continuation of the present proceedings against him, which appears to have been instituted to wreak vengeance on the petitioner, is likely to jeopardise his future prospects and cause him irreparable harm.

25. It is the solemn duty of this Court to prevent any misuse or abuse of the legal process resulting into miscarriage of justice. In view of the above, this Court deems it to be a fit case for the exercise of its inherent powers under Section 482 of the CrPC (now Section 528 of the BNSS, 2023) to quash the impugned FIR.

26. In view of the above facts and circumstances, the present petition is allowed and the FIR No. 193/2022 dated 26th April, 2022, registered at Police Station - Tigri, Delhi, for the offences punishable under Sections 186/323/353 of the IPC, and any proceedings emanating therefrom is quashed.

27. Accordingly, the instant petition stands disposed of along with the



pending application, if any.

28. The Order to be uploaded on the website forthwith.

CHANDRA DHARI SINGH, J

NOVEMBER 25, 2024

Rt/st/ryp

[Click here to check corrigendum, if any](#)