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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 3174/2023, CRL.M.A. 11917/2023&11918/2023**  
**SHRI VISHAL TANWAR AND ANR.** .....Petitioners

Through: Ms. Richa Kapoor, Mr Kunal Anand,  
Mr. Rohit Malik and Ms. Atika Singh,  
Advs.

versus

**STATE (NCT OF DELHI)** .....Respondent

Through: Ms. Rupali Bandhopadhy, ASC with  
Mr. Abhijeet Kumar, Advocate and  
SI Mayank Istwal and SI Abhishek  
Guleria, PS: Kalyanpuri.

**CORAM:**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**ORDER**

**07.11.2024**

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1. Petition under Section 482 of the Code of Criminal Procedure ('Cr.P.C.') has been preferred on behalf of the petitioners for setting aside order dated 23.12.2022 passed by learned CMM, Karkardooma Courts, East District, Delhi, whereby, non-bailable warrants were issued against the petitioners in FIR No. 0825/2022, registered at PS: Kalyanpuri and order dated 13.02.2023 and 21.04.2023 for initiation of process under Sections 82 Cr.P.C. against the petitioners.

2. The contentions raised on behalf of petitioners as observed in order dated 04.05.2023 passed by this Court may be briefly noticed :

*"The learned counsel for petitioners submit this cross FIR was registered against the petitioners under Section 307/341/351/34 IPC on 21.12.2022 at the same police station just two days after the FIR No.823/2022 dated 20.12.2022 under Section 307/34IPC read with Section 25/27 Arms Act was*

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*registered at the instance of petitioners. Admittedly, there is one more accused in FIR No.823/2022, but no steps have been taken for issuance of NBWs against co-accused in said FIR, though present FIR against petitioners was registered on 21.12.2022, but 'on 23.12.2022' i.e. only after two days, NBWs were got issued against the petitioners at the instance of the Investigating Officer without disclosing as to what steps he had taken to call the petitioners to join the investigation. Rather, on 13.02.2023, an application was moved by the Investigating Officer for issuance of process under Section 82 Cr P C against petitioners herein which application was kept pending for 12.04.2023 when the learned Court was on leave and then the complainant of this present FIR moved an application for recording of the statement of the Investigating Officer for execution of process under Section 82/83 Cr PC, and it was recorded on 21.04.2023. As the anticipatory bail applications were pending before this Court, hence, learned Magistrate did not pass any order declaring the petitioners as absconders."*

3. Admittedly, FIR No. 0823/2022, dated 20.12.2022, was initially registered under Sections 307/34 IPC and Sections 25/27 Arms Act at instance of Rakesh Kumar (Petitioner No. 2 in present FIR No. 825/2022). On the other hand, present FIR No. 0825/2022, dated 21.12.2022, was thereafter registered under Sections 307/325/341/34 IPC at instance of Rahul @ Monty (accused in FIR No. 0823/2022) against petitioners alongwith co-accused after gap of a day. It cannot be ignored that non-bailable warrants against the petitioners were issued immediately after registration of cross-FIR No. 0825/2022 though one of the accused in FIR No. 0823/2022 was yet to be apprehended as pointed out by learned counsel for petitioners. The proceedings under Section 82 Cr.P.C. appear to have been initiated during the pendency of bail applications preferred on behalf of petitioners. Vide order dated 04.05.2023, it was observed that since anticipatory bail applications



preferred on behalf of petitioners were pending, the order dated 21.04.2023 passed by the learned Trial Court, issuing process under Section 82 Cr.P.C. is kept in abeyance till disposal of the petition.

Petitioners have joined investigation and the matter has been settled between the parties, though the petitions for quashing of FIRs have been withdrawn, since the final report in respective FIRs is yet to be filed, which would give a clear picture as to the genesis of the incident.

Considering the totality of the facts and circumstances, proceedings under Section 82 Cr.P.C. initiated against the petitioners in FIR No.825/2022, under Sections 307/325/341/34 IPC, registered at PS: Kalyanpuri are quashed.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to the learned Trial Court for information.

**ANOOP KUMAR MENDIRATTA, J.**

**NOVEMBER 07, 2024/R**