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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4521/2023 & CRL.M.A. 17299/2023**
ARPITA SHARMA AND ANR Petitioners
Through: Mr. Ayush Negi, Advocate

versus

STATE OF NCT OF DELHI AND ORS. Respondents
Through: Mr.Aashneet Singh, APP for State
with WSI Sanju and WSI Suman.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
01.02.2024

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1. By way of present petition filed under Section 482 Cr.P.C, the petitioners seek quashing of the FIR No.291/2019 registered under Sections 323/341/506/34 IPC at PS North Rohini, as well as consequent proceedings emanating therefrom.
2. Petitioners contend that there are contradictions in the two FIRs registered on behalf of the respondent No.2/complainant and her son. The version of the complainant about the presence of petitioners' mother at the time of the incident, has already been falsified as after investigation, her name has been kept in Column No.12. It is contended that the FIR has been lodged with malafide intentions as there were previous disputes pending between the parties. It is further contended that Section 506 IPC was added after a delay of eight months. Lastly, it is contended that the MLC report of the respondent No.3 is not consistent with the allegations levelled in the FIR.



3. The parameters to quash an FIR are well defined. In State of Haryana & Ors. v. Bhajan Lal & Ors.¹, the Supreme Court held as under:

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102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a

¹ (1992) Supp. 1 SCC 335



non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(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.

xxx”

4. The record shows that the present FIR came to be registered on 09.09.2019 on the complaint of respondent No.2. It was alleged that the present petitioners along with their mother caused wrongful restraint as well as injuries to the complainant. The complainant was medically examined at BSA Hospital whereafter Section 323 IPC was added. Copy of the MLC has also been placed on record. The MLC records lacerated wound over right forearm (4.5x0.5 cm) as well as pain and swelling over hand.

5. In view of the facts of the case as well as the parameters set out in Bhajan Lal (Supra), the petition along with pending application is dismissed.



6. The Court also hastens to add that the present petitioners have also filed a reply before the SHO and I.O. stating therein that on 09.09.2019, while their mother had gone on duty, the complainant and others had beaten and threatened both the petitioners.

MANOJ KUMAR OHRI, J

FEBRUARY 1, 2024/rd