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

+ **CRL.M.C. 3584/2024**

TIMIR GHOSE

..... Petitioner

Through: Mr. Sidharth Luthra, Senior Advocate
with Mr. Siddharth H. Raval, Mr. Kurtikeye Dang,
Mr. Rudra, Mr. Sahir Seth and Mr. Harsh,
Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Ms. Aishwarya Bhati, Additional
Solicitor General with Mr. S.K. Gandhi, Mr. Rahul
Dubey, Mr. Sanjay Sharma and Mr. Aniruddh,
Advocates for Respondent No.2.
Ms. Shubhi Gupta, APP for State with SI Rohit,
PS Vasant Kunj, North.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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08.05.2024

CRL.M.A. 13755-13756/2024 (Exemptions)

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

CRL.M.C. 3584/2024 and CRL.M.A. 13754/2024 (for stay)

3. This petition has been preferred by the Petitioner under Section 482 Cr.P.C. seeking quashing of FIR No. 293/2020 dated 10.07.2020 registered under Sections 467/468/471/34 IPC at PS: Vasant Kunj North. Challenge is also laid to orders dated 25.11.2022 and 05.04.2024 passed by the Court of the learned Metropolitan Magistrate (MM-02), Patiala House Courts, New



Delhi in Cr. Case No.4074/2020 including all proceedings emanating therefrom.

4. Mr. Siddharth Luthra, learned Senior counsel, on instructions, states that Petitioner is giving up his challenge to the FIR at this stage, with liberty to take recourse to appropriate remedies at the appropriate stage. On the aspect of investigation directed by the learned Magistrate vide the two impugned orders, it is submitted that a conjoint reading of orders dated 25.11.2022 and 05.04.2024, gives an impression that the Court has directed re-investigation instead of further investigation, which is impermissible in law. Secondly, the investigation is not expected to be fair and impartial, in light of the observations in paragraphs 8 to 10 of the impugned order dated 05.04.2024, which are in the nature of pre-determined findings of culpability against the Petitioner. Premised on these two submissions, Mr. Luthra urges the Court to clarify and direct that the investigation directed by the learned MM would mean only further investigation and it shall be conducted fairly and without being influenced by the observations in the impugned order dated 05.04.2024.

5. Ms. Aishwarya Bhati, learned Additional Solicitor General, appearing on behalf of Respondent No.2, on instructions, states that if the Petitioner is giving up his challenge to the FIR at this stage and only seeks that further investigation should be fair, Respondent No.2 has no objection to an appropriate direction being passed by the Court in this regard.

6. In view of the aforesaid, present petition is disposed of with a clarification and direction that the concerned IO will conduct further and fair investigation, uninfluenced by the observations in paragraphs 8 to 10 of the impugned order dated 05.04.2024. The DCP concerned will thereafter



submit the report as directed. Liberty sought to challenge the FIR at the appropriate stage is granted, in accordance with law.

7. Pending application also stands disposed of.

MAY 8, 2024
B.S. Rohella

JYOTI SINGH, J