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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4660/2022**

AYUSH RANJAN JHAPetitioner
Through: Mr. Chandan Kumar, Adv.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Manoj Pant, APP for
the State
SI Ajeet Singh Yadav, PS-
Palam Village

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
19.12.2024

CRL.M.A. 38418/2024 (for early hearing) in CRL.M.C. 4660/2022

1. For the reasons mentioned in the application, the same is allowed.
2. The matter is taken up for arguments today.
CRL.M.C. 4660/2022
3. The present petition is filed under Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') essentially seeking quashing of FIR No. 459/2020 dated 22.06.2020, registered at Police Station Palam Village, for the offence under Section 188 of the Indian Penal Code, 1860 ('IPC').
4. The FIR was registered alleging that the petitioner had violated Order 2658-2728/ACP/Delhi Cantt. dated 31.05.2020 whereby all movement of individuals was prohibited between 9 PM to 5PM, except for essential activities. It is alleged that on 22.06.2020, at around 9:15 PM, the garments showroom owned



by the petitioner was found to be open.

5. The chargesheet has been filed in the present case.

6. Along with chargesheet, the Assistant Commissioner of Police had preferred a complaint under Section 195 of the CrPC against the petitioner for not complying with the concerned Government order as well.

7. By order dated 08.01.2021, the learned Trial Court took cognizance on the said complaint and issued summons to the petitioner.

8. The learned counsel for the petitioner submits that the offence as alleged against the petitioner is trivial in nature.

9. He further submits that some of the other States, including Uttar Pradesh and Madhya Pradesh, have already taken actions to withdraw the cases that were lodged due to violation of Covid-19 guidelines in public interest.

10. He further submits that the learned Trial Court erroneously took cognizance on the complaint under Section 195 of the CrPC without appreciating that the complaint was merely a one page letter and no list of witnesses or list of documents were annexed with it.

11. The learned Additional Public Prosecutor for the State does not oppose the quashing of the present FIR.

12. It is trite law that the inherent power of this Court is wide in nature and the same can be exercised in the interest of justice to prevent an abuse of the process of Court.

13. Concededly, the FIR was registered way back in the year 2020 during the onset of COVID-19 and the allegations made have lost its significance. Proceedings of such nature were initiated at that stage as a deterrent to ensure compliance of the prescribed protocols.



14. Even otherwise, a bare perusal of the FIR shows that the petitioner's showroom was found to be open merely 15 minutes after the prescribed deadline.

15. In such circumstances, keeping in view the nature of allegations, this Court feels that continuance of the proceedings would serve no purpose and deems it appropriate to quash the present FIR along with all proceedings emanating therefrom, including the complaint filed under Section 195 of the CrPC. In the opinion of this Court, that ends of justice would be secured if the petitioner is put to cost.

16. In view of the above, the present petition is allowed and FIR No. 459/2020 and all proceedings arising therefrom are quashed, subject to the petitioner depositing a sum of ₹10,000/- with the Delhi Police Welfare Society, within a period of eight weeks from date.

17. Consequently, the order dated 08.01.2021 is also set aside.

18. Let the proof of deposit of cost be deposited with the concerned SHO.

19. The petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

DECEMBER 19, 2024