



\$~52

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 445/2025, CRL.M.A. 4009/2025**
SH. MOHIT JINDAL

.....Petitioner

Through: **Mr. Ashok Kumar Garg and Ms.
Kavita Agrawal, Advocates.**

versus

STATE GOVT. OF NCT OF DEHLI AND ANR.

.....Respondent

Through: **Mr. Rahul Tyagi, Ld. ASC for State.**

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

10.02.2025

%

CRL.M.A. 4010/2025 (Seeking Exemption)

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

W.P.(CRL) 445/2025

3. A Criminal Writ Petition under Section 226 of the Constitution of India read with Section 528 BNSS has been filed for quashing of the FIR No.650/2024 under Section 115(2)/126(2)/74/3(5) of BNSS, 2023 registered at P.S. Keshavpuram.
4. The main grounds on which quashing of FIR is sought is that there a prior litigation between the Complainant and the Petitioner and the present Petition is only an outcome of previous enmity. It is further submitted that the CCTV Footage relied upon by the Prosecution does not show the presence of the Petitioner on the scene of crime. It is, therefore, submitted



that the present FIR which is only motivated and mala fide, to be quashed.

5. Learned Prosecutor on instructions from the I.O., submits that the Chargesheet already stands filed on 16.01.2025. Though the CCTV footage of the venue collected by the I.O., is inconclusive about the presence of the Petitioner on the scene of crime, but the CDR shows the presence of the Petitioner in the same vicinity. It is submitted that there are specific allegations made in the FIR on the basis of which the Chargesheet already stands filed and there is no ground for quashing of FIR.

6. Submissions heard and record perused.

7. There are specific averments made in the FIR which prima facie disclose the commission of the offence. Whether they are motivated or genuine cannot be decided merely at this stage as the averments in Chargesheet need to be tested on the anvil of investigations. Furthermore, the CCTV evidence is supportive and corroborative and cannot be a basis for falsification of the ocular and other documentary evidence and cannot be the sole basis for quashing of the FIR at this stage.

8. Considering the totality of circumstances, there is no ground for quashing of FIR. However, the Petitioner is at liberty to take all these defences at the appropriate stage including at the time of framing of charge.

9. The Petition is accordingly disposed of along with the pending Application.

NEENA BANSAL KRISHNA, J

FEBRUARY 10, 2025/va