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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 943/2025, CRL.M.A. 4376/2025 (stay)**

VIVEK SINGH

.....Petitioner

Through: Mr. Anuj Chauhan, Mr. Anand and
Mr. Pradeep Yadav, Advocates.

versus

STATE OF N.C.T OF DELHI & ANR.

.....Respondents

Through: Mr. Satinder Singh Bawa, APP for
the State with W/SI Thakur, PS
Begumpur.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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12.02.2025

CRL.M.A.4377/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

CRL.M.C. 943/2025

3. Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*) new Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioner, Vivek Singh for quashing of FIR No. 661/2016 under Section 354/354B and 506 of the Indian Penal Code, 1860 and subsequent proceedings emanating therefrom.
4. The main grounds on which the quashing of the aforesaid FIR sought, are that the incident dated 06.11.2015 was essentially a fight between the Complainant and the Petitioner. In fact, the Petitioner suffered injuries and his MLC was prepared on the same day and DD Entry No. 79 B dated 06.11.2015 at about 6:15 pm had been recorded on the call made by



someone from the side of the Petitioner. The FIR got registered after ten months on 08.09.2016. It is submitted that from the face of the FIR, it is evident that it is an afterthought and an improbable story, which has been projected by the Complainant. The FIR is liable to be quashed.

5. Learned APP for the State, submits that it is an incident of 2016 in which after due investigation, Charge-Sheet was filed in the Court on 12.04.2017. The Charges got framed and the entire prosecution evidence has already been recorded. The case is at the stage of defence evidence. The statement of accused, under Section 313 of Cr.P.C., was recorded in 2023 and now is pending at the stage of defence evidence.

6. **Submissions Heard.**

7. The FIR was of September, 2016 in which the trial is at its fag end.

8. The entire prosecution evidence has already been recorded and the Statement of the Accused, under Section 313 of Cr.P.C., also stands recorded. The ground for quashing of FIR essentially is it being motivated but now with evidence completed, it shall be considered on merits. In so far as delay in FIR is concerned, that too is a matter of trial and cannot be held as a ground for quashing of FIR. There is no merit in the present Petition for quashing of the aforesaid FIR, which has been filed in 2025 when the trial is almost concluded.

9. The Petition is dismissed and disposed of accordingly.

NEENA BANSAL KRISHNA, J

FEBRUARY 12, 2025/RS