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

+ **CRL.M.C. 1084/2025, CRL.M.A. 4914/2025**

MUNNU KUMARI & ORS.

.....Petitioners

Through: Appearance not given.

versus

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

.....Respondents

Through: Mr. Shoaib Haider, Ld. APP for State
with SI Ajit Kumar P.S. Anand
Parbat.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

17.02.2025

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1. A Petition under Section 482 Cr.P.C read with Section 528 BNSS has been filed on behalf of the Petitioner for quashing of FIR No.299/2020 and Charge Sheet under Section 354/34/323/509/341 IPC registered at Police Station Anand Parbat, Delhi.

2. *Briefly stated*, on 07.10.2020 Petitioner No.1 who was 7 month pregnant was dropped by his father on his scooty to LHMC Hospital at around 06:30 A.M for routine checkup. On the same day at about 07:00 A.M father of Respondent No.2 'XXXX' came in front of house of Petitioner No.5 Sunita Devi (mother of Petitioner No.1) as a part of criminal conspiracy and started abusing her. At about 07:05 A.M Petitioner No.5 asked Respondent No.2's father as to why he was abusing near their house. He told father of Respondent No.2 saying that "let me occupy two feet out of four feet street otherwise he would enter the house and kill them all". At about 07:08 A.M Petitioner No.3 left his 7 month pregnant daughter



(Petitioner No.1) at LPMC Hospital.

3. After leaving the daughter as LPMC came to the house and started taking the scooty to home, when several family members of Respondent No.2 and several members of Respondent No.2 brother's criminal gang attacked and entered the Petitioner's house at 07:12:32 A.M. At that time Respondent No.2 was not present at the scene of crime. Respondent No.2 and all these intruders continued beating Petitioner No.2, 3, 4 and 5 for 1 minute and 13 seconds in the house of the Petitioner. Respondent No.2 brother (Rahul) tried to kill Petitioner No.4 while strangulation and Respondent No.2 family members (Rahul, Anil and Sohvat) used physical force and abuse on Petitioner No.2 and also tore her clothes. The photographs are annexed. Photographs taken from the video have been annexed along with the Application. Police was called.

4. The Petitioners were taken to RML Hospital for MLC. Const. Surender who reached RML Hospital in the evening started threatening Petitioner No.2 that in case they submit the complaint in the Police Station, they would ruin their family members. On 08.10.2020 at 11:00 A.M. Const. Surender again threatened them at their house.

5. Similarly, again on 09.10.2020 SI Bhupender and Const. Surender came to the house of the Petitioners and started hooliganism near their house and threatened the Petitioners again. Petitioner No.2 met ACP, Patel Nagar and reported about the entire incident. With his help FIR No.298/2020 was registered. The cross FIR 299/2020 was registered against the Petitioners.

6. It is submitted that the FIR registered against the Petitioners is a counter-blast. In fact, it is the Petitioners who are the victims against whom cross FIR has been registered wrongly. Hence, quashing of FIR 299/2020 is



sought on the ground that Petitioner No.1 was not present in the house at the time of incident. No specific role of Petitioner No.1 has been defined in the Complaint under Section 164 Cr.P.C. i.e the Statement of the Complainant. Furthermore, in the Chargesheet and ATR filed by the Police also it is written that there is no evidence against Petitioner No.1, still her name has been added in Column No.11. The Police is intentionally harassing the Petitioner No.1. It is, therefore, stated that the FIR be quashed.

7. **Learned Prosecutor** has opposed the quashing on the ground that the Chargesheet has already been filed in February, 2022 and the matter is pending at the stage of framing of Charge. These are cross FIRs in respect of the same incident and there is no ground for quashing of FIR.

8. **Submissions heard and record perused.**

9. There are specific allegations made by both the parties against each other in respect of the same incident for which two cross FIRs have been registered. There is no ground for quashing of FIR, but the Petitioners are at liberty to agitate their defence at the time of arguments on framing of Charge.

10. The Petition is disposed of along with the pending Application(s) with the observations that despite Chargesheet having been filed in February, 2022, no Charges have been framed till date. The learned Trial Court is directed to expedite the matter.

NEENA BANSAL KRISHNA, J

FEBRUARY 17, 2025/va