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

+ CRL.M.C. 1155/2025 and CRL.M.A. 5182/2025

SUMIT KUMAR SINGH

.....Petitioner

Through: Mr. Anwesh Madhukar and Mr. Ishat
Singh, Advocates.

versus

STATE (GOVT. OF NCT) DELHI & ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the
State.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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18.02.2025

CRL.M.A. 5183/2025 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

CRL.M.C. 1155/2025 and CRL.M.A. 5182/2025 (for stay)

By way of the present petition filed under section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 the petitioner seeks quashing of case FIR No. 580/2014 dated 19.06.2014 registered under section 324 of the Indian Penal Code 1860 ('IPC') at P.S.: Vasant Vihar, Delhi ('subject FIR').

2. The petitioner also impugns order dated 03.04.2024 passed by the learned Magistrate, Patiala House District Courts, New Delhi, whereby based on a chargesheet dated 08.05.2016 arising from FIR dated 19.06.2014 filed in relation to an offence allegedly committed on 18.06.2014, the learned Magistrate has taken cognizance of the offence under section 324 IPC.



3. Mr. Anwesh Madhukar, learned counsel appearing on behalf of the petitioner submits, that a perusal of the impugned order would show that the learned Magistrate has proceeded to take cognizance of the offence mentioned in the chargesheet without at all discussing the material that may have come on record during the course of investigation; and without any reasoning for taking cognizance of an offence which was clearly time-barred.
4. Mr. Madhukar submits, that for reasons which remain unexplained, the chargesheet dated 08.05.2016 in relation to an offence alleged to have been committed on 18.06.2014 was filed by the Investigating Officer ('I.O.') on 03.04.2024 (as indicated on page 44 of the paper-book), *i.e.* some 10 years later.
5. Learned counsel further submits, that the chargesheet was filed without it even being accompanied by a condonation of delay application; but by way of the impugned order, the learned Magistrate has straightaway taken cognizance of the alleged offence, simply ignoring the *delay* of about 07 years.
6. Upon being queried, Mr. Madhukar informs the court, that the matter is now posted for framing of charge before the learned Magistrate on 03.03.2025.
7. Considering the submissions advanced by Mr. Madhukar, issue notice.
8. Mr. Digam Singh Dagar, learned APP appears on behalf of the State on advance copy; accepts notice; and offers no opposition to the challenge made to the impugned order.



9. The impugned order taking cognizance requires to be extracted *in its entirety*. It reads as follows :

“Chargesheet perused.

Prima facie there is sufficient material on record to proceed further.

Accordingly, I take cognizance of offences mentioned in the charge-sheet.

Issue summons to accused Sumit Kumar Singh to appear in person on the next date of hearing.

Put up on 21.10.2024.”

(bold in original)

10. On a perusal of the impugned order, this court is left wondering as to whether, while recording “chargeheet perused”, the learned Magistrate noticed that the chargesheet had been drawn-up on 08.05.2016; that it was filed about 08 years later on 03.04.2024; and it related to an alleged offence committed some 10 years earlier on 18.06.2014. This court is also unable to discern from the impugned order as to what ‘material’ the learned Magistrate found on the record, which was considered sufficient to take cognizance of the offence. Equally, it is unclear from the impugned order, as to what offence the learned Magistrate took cognizance-of.
11. This court restrains itself from making further observations in relation to the impugned order.
12. In view of the above, order dated 03.04.2024 passed by the learned Magistrate is set-aside; and the case is remanded back to the learned Magistrate to reconsider the matter and to pass an appropriate, reasoned order, in accordance with law.
13. The petition is disposed-of in the above terms.



14. Let the matter be placed before the learned Magistrate on 03.03.2025, which is stated to be the next date of hearing before that court.
15. In the meantime, considering the circumstances obtaining in the matter, the petitioner is exempted from personal appearance before the learned Magistrate on 03.03.2025.
16. Let a copy of this order be communicated by the Registry to the learned Magistrate *forthwith*.
17. A copy of this order be given *dasti* under the signatures of the Court Master.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 18, 2025

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