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

+ **W.P.(CRL) 771/2025**

POONAM GUPTA & ANR.

.....Petitioners

Through: Mr. Sachin Jain, Advocate.

versus

STATE GOVT. NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC for State
with Inspector S.K. Chandalia and SI
Abhishek, PS PP Pur, Delhi
Mr. Kishor Kumar Behuria and Mr.
Anil Vyas, Advocate for R2

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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20.03.2025

[Physical Hearing/Hybrid Hearing (as per request)]

CRL.M.A. 7165/2025 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 771/2025 & CRL.M.A. 7164/2025 (stay)

2. Petitioners have sought quashing of FIR for offence under Section 420 IPC, which was registered on the basis of order passed under Section 156(3) CrPC. *Prima facie*, the order under Section 156(3) CrPC appears to be bereft of reasoning. In this regard, it would be necessary to examine paragraphs 5-7 of order under Section 156(3) CrPC.

3. The petitioners have explained in details multiple legal proceedings that were initiated by them against the private respondent.



4. Status report is awaited. It is informed by learned ASC that status report was filed last night itself, so he shall ensure that same comes on record within one week.
5. It is submitted on behalf of petitioners that petitioner no.2 was only a counsel for petitioner no.1 and has been wrongly implicated because he had lodged a complaint of corruption against SI Deepak Sahu and Inspector Madhurender.
6. Considering the above circumstances, there is no explanation as to why petitioner no. 2 who was only a counsel for petitioner no. 1 should be dragged into the litigation as an accused.
7. It is lunch time. Resume at 02:15 pm.

GIRISH KATHPALIA, J

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8. In this post lunch session, I have further heard both sides.
9. It appears that petitioner no. 1 and her counsel (petitioner no. 2) lodged a complaint with CDMO alleging that respondent no. 2 carried out illegal abortion of petitioner no. 1 and also issued medical prescription in this regard. On complaint of CDMO, FIR No. 173/2022 was registered by PS Pul Prahladpur. During investigation, the FSL report came to the effect that the alleged prescription was a forged document, therefore, in the chargesheet, the owner of the hospital was chargesheeted while respondent no. 2 was kept in column 12. On the basis of FSL report, respondent no. 2 lodged a complaint in which order under Section 156(3) CrPC was passed by the magistrate culminating into FIR No. 102/2025. It is the said FIR which is under challenge here.



10. But the question remains as to why petitioner no. 2 who is only an advocate has been dragged into the dispute as a co-accused. On this aspect, learned ASC has explained that earlier, the present respondent no. 2 was working in the Diagnostic Centre run by petitioner no. 2 and his wife, and during that period there was an issue which led to registration of FIR no. 160/2022 of PS Pul Prahladpur. In the said FIR, petitioner no. 2, his wife as well as the present respondent no. 2 were the accused. According to learned ASC, the role of the present petitioner no. 2 is not just as an advocate but also as husband of proprietor of the said Diagnostic Centre. These facts have not been pleaded by the petitioner.

11. According to respondents, concealment of the above facts creates an impression in the mind of the court that an advocate is being dragged as a party. Therefore, according to respondents, this petition deserves outright rejection.

12. Under these circumstances, petitioner no. 2 on behalf of both petitioners seeks permission to withdraw this petition with liberty to file fresh petition disclosing complete facts. The petition is dismissed as withdrawn with liberty as sought. Pending application also stands dismissed.

GIRISH KATHPALIA, J

MARCH 20, 2025/ry/as

[Click here to check corrigendum, if any](#)