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

+ **CRL.M.C. 1154/2019, CRL.M.A. 4485/2019**

NARENDER KUMAR & ORS

.....Petitioners

Through: Mr. Roopansh Purohit, Advocate.

versus

STATE(NCT OF DELHI) & ANR

.....Respondents

Through: Mr. Amit Ahlawat, APP for State
with Mr. Harendra Singh, SI, PS-
EOW.

Mr. Rajat Naved and Mr. Rajat Rana,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.04.2025

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1. The present petition under Section 482 of the Code of Criminal Procedure, 1973¹ seeks quashing of FIR No. 151/2018 dated 24th July, 2018 filed under Sections 420/406/120B of Indian Penal Code, 1860² registered at Police Station, Economic Offences Wing, Mandir Marg, New Delhi.

2. Upon completion of the initial investigation in the said FIR, the police filed a final report under Section 173 Cr.P.C., wherein the names of all the Petitioners were placed in Column No. 12. As per the settled legal position, inclusion in Column No. 12 signifies that while the Investigating Agency suspects the individual's involvement in the offence, it hasn't gathered enough evidence to formally charge them at this stage and put them on trial,

¹ "Cr.P.C."

² "IPC"



unlike those in Column No. 11, who are formally accused. Dissatisfied with the closure report, Antheia Infrastructure Pvt. Ltd. (the Complainant) filed a protest petition seeking further investigation. Pursuant thereto, the Trial Court, by order dated 5th March, 2022, directed the Investigating Officer to carry out further investigation and submit a progress report.

3. In light of the aforementioned developments, the Court is of the opinion that the relief sought in the present petition for quashing of the FIR cannot be granted. Entertaining such a prayer would, in effect, amount to trenching upon the jurisdiction already exercised by the Trial Court, which, upon due consideration of the protest petition, has directed further investigation. Intervening at this juncture would not only pre-empt the outcome of the ongoing inquiry, but also undermine the procedural sanctity of the Trial Court's order passed under law.

4. Counsel for the Petitioners has placed reliance on the judgment of the Supreme Court in *Anand Kumar Mohatta v. State (NCT of Delhi)*,³ to contend that even after the filing of a chargesheet, the High Court retains the power to quash the FIR in the exercise of its jurisdiction under Section 482 of the Cr.P.C.

5. While the proposition enunciated in *Anand Kumar Mohatta* is undoubtedly settled in law, the factual matrix of the present case renders the decision inapposite. It is well established that an FIR is the earliest recorded information of a cognizable offence, intended to set the criminal law in motion and facilitate investigation. In contrast, a chargesheet represents the culmination of such investigation, reflecting the evidence gathered and the conclusions drawn by the investigating agency. Consequently, when a



petition is moved for quashing an FIR and the investigation culminates in a final report under Section 173 Cr.P.C., the analysis cannot be confined to the FIR alone. The Court is obliged to examine the findings of the investigating agency as recorded in the chargesheet.

6. It is also well settled that a Magistrate is not bound by the conclusions drawn by the police in its final report. In appropriate cases, upon application of judicial mind, the Magistrate may reject the closure report or the opinion of the investigating agency and take a different view. In the present case, the Magistrate, upon a protest petition by the Complainant, found sufficient basis to direct further investigation. In the present case, although the Petitioners were placed in Column No. 12, indicating that they were suspected, but not sent up for trial, the Complainant contested this outcome by filing a protest petition. That petition was considered and allowed by the Magistrate, who, by order dated 5th March, 2022, directed further investigation. Thus, any interference by this Court at this stage would amount to short-circuiting the process that is already underway under the Magistrate's supervision. Against this backdrop, the judgment cited by the Petitioners does not advance their case.

7. In view of the foregoing facts and circumstances, this Court is of the opinion that the relief sought in the present petition cannot be granted at this stage. However, it is clarified that in the event the investigating agency, upon completion of further investigation as directed by the Magistrate, files a supplementary chargesheet or final report implicating the Petitioners, they shall be at liberty to avail of such remedies as may be available to them in law.

³ (2019) 11 SCC 706.



8. Dismissed.

SANJEEV NARULA, J

APRIL 3, 2025

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