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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 1705/2025**
FLT LT RUPA RATHOUR GAUR RETD & ORS.Petitioners

Through: Mr. Shubham Kr., Mr. Uttam Kr. Mr.
Vishal Singh and Mr. Kumud Jha,
Advocates.

versus

**THE STATE THROUGH SHO POLICE STATION TILAK MARG
& ANR.Respondents**

Through: Mr. Laksh Khanna, APP for State.
Mr. Mohit Mathur, Senior Advocate
with Mr. Arunabh Chowdhury, Mr.
Vaibhav Tomar and Ms. Karma
Dorjee, Advocates for R-2.
Inspector Parveen Kumar, DIU/ New
Delhi Mandir Marg, New Delhi.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
% **03.04.2025**

1. The present petition has been filed under Section 528 of the Bharatiya
Nagaraik Suraksha Sanhita, 2023,¹ seeking quashing of FIR No. 0126/2021,
registered at P.S. Tilak Marg under Sections 302/34 of the Indian Penal
Code, 1860.² The said FIR was registered at the instance of Mr. Anupam Lal
Das (Respondent No. 2), pursuant to directions issued under Section 156(3)
of the Code of Criminal Procedure, 1973³, in relation to the alleged

¹ "BNSS"

² "IPC"

³ "CrPC"



unnatural and suspicious death of his wife, Mrs. Deepa Das, while she was visiting the residence of her sister and mother.

2. Whilst the investigation is ongoing, the present petition has been filed by Flt. Lt. Rupa Rathour Gaur (Retd.), the sister of the deceased; Captain (IN) Bharat Deep Gaur (Retd.), her brother-in-law; Ms. Muskaan Rathore Gaur, her niece; and Smt. Shobha Devi Rathour, her mother—collectively, the Petitioners, seeking quashing of the aforementioned FIR.

3. The facts leading to the filing of the present petition, are briefly noted as follows:

3.1 On 16th June, 2021, at around 08:30 PM, Deepa Das fell from the balcony of apartment bearing no. A-804, Sangli Apartments, Copernicus Marg, New Delhi, the residence of her mother, where she had gone for a visit.

3.2 As a result of the fall, Deepa Das sustained fatal injuries. Upon being rushed to the hospital, she was declared “brought dead.” A post-mortem examination was conducted on 17th June, 2021, which noted twelve external injuries on the body of the deceased.

3.3 On 10th July, 2021, a dummy test was conducted by the Forensic Science Laboratory (FSL) to ascertain whether the incident could have occurred accidentally. While the report of the dummy test was awaited, Respondent No. 2, the husband of the deceased, lodged a written complaint on 24th June, 2021 before the Station House Officer, P.S. Tilak Marg, expressing suspicion regarding the nature of his wife’s death and seeking an investigation.

3.4 However, no FIR was registered pursuant to the said complaint. Thereafter, Respondent No. 2 approached the Magistrate by way of an



application under Section 156(3) of the Cr.P.C. The Magistrate, by order dated 16th September, 2021, directed registration of an FIR and pursuant thereto on 18th September, 2021, the impugned FIR was registered and investigation commenced, which remains ongoing.

3.5 In the meantime, the dummy test report dated 23rd September, 2021 was received, which indicates that “*abnormal condition accidental falling was not possible*”.

3.6 In the aforesaid background, the Petitioners, who are close relatives of the deceased, have invoked the jurisdiction of this Court seeking following reliefs:

“a) Quash F.I.R No. 126 of 2021, for the offences punishable under sections 302/34 of Indian Penal Code, registered at police station Tilak Marg, New Delhi and consequent proceedings arising therefrom; and

(b) Direct the Respondents to compensate the Petitioner for the mental agony suffered, as well as for the expenses incurred during the entire incident, in an amount to be determined by this Hon'ble Court.”

4. It has been brought to the attention of this Court by Mr. Mohit Mathur, Senior Counsel for Respondent No. 2, that Respondent No.4 (mother of the deceased) had also preferred a revision petition against the order dated 16th September, 2021, directing the registration of the FIR. However, this revision petition was dismissed on 13th December, 2024.

5. Mr. Laksh Khanna, APP for the State, on instructions, states that the investigation in the matter is currently underway and that, at this stage, there is no justifiable ground for the Petitioners to seek quashing of the FIR. He submits that although the Petitioners have been named by Respondent No. 2 in the FIR, the Prosecution has not yet formed a conclusive opinion regarding their involvement in the matter. Additionally, Mr. Khanna



apprises the Court that a Medical Board has been constituted to review the post-mortem report of the deceased, and the Board's report is still pending. In these circumstances, he submits that it would be premature for this Court to interfere with the ongoing investigation by invoking its jurisdiction under Section 528 of the BNSS.

6. Counsel for the Petitioners submits that based on the allegations made in the FIR, no offense has been established against them.

7. Since the investigation is ongoing and the Prosecution itself has not arrived at any definitive conclusion regarding their involvement, the Court refrains from expressing any opinion on the merits of the case at this stage. Nonetheless, since the Petitioners seek quashing of the FIR, the Court is required to consider the matter with circumspection, particularly given the unusual posture in which close family members of the deceased, including her mother and sister, seek to quash an FIR that was registered solely to investigate the circumstances surrounding her death. Ordinarily, in cases involving unnatural deaths, it is expected that immediate family members would support such an inquiry to facilitate the discovery of truth. The Petitioners appear to have perceived the mere mention of their names in the FIR as an indication of their being treated as accused persons, prompting them to invoke the jurisdiction of this Court under Section 528 of the BNSS.

8. It must be emphasised that registration an FIR is not a conclusive indictment of the persons named therein. It merely serves as the first step to set the criminal law in motion upon disclosure of a cognizable offence. The impugned FIR outlines the events, as understood and narrated by the informant/ compliant (the husband of the deceased) seeking an impartial and comprehensive investigation into the cause of his wife's death. In this case,



the registration of the FIR was not automatic, but was directed by a Magistrate under Section 156(3) of the Cr.P.C. (now Section 175(3) of the BNSS), and the investigation is being conducted pursuant to judicial directions, which were assailing unsuccessfully. Significantly, the State has confirmed that no definitive view has yet been taken regarding the complicity of the Petitioners. Thus, in the absence of any conclusive finding or specific attribution of culpable conduct to the Petitioners, and given that the FIR is still at the threshold stage of investigation, this Court finds no reason to interfere at this juncture.

9. In view of the foregoing discussion, this Court is of the view that the present petition is not only premature, but also misconceived. At this stage, the investigation is still underway, and no opinion can or ought to be expressed on the merits of the allegations made in the FIR or the submissions advanced on behalf of the Petitioners. It is clarified that nothing stated herein shall be construed as an expression on the culpability or innocence of the Petitioners. However, if upon completion of investigation, the Prosecution chooses to proceed against any of the Petitioners, it shall be open to them to avail of appropriate remedies as may be available to them in accordance with law.

10. Dismissed.

SANJEEV NARULA, J

APRIL 3, 2025

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