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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 823/2025**

SOMBIR AND ORS.

.....Petitioners

Through: Mr. Aaditya, Advocate.
versus

STATE GOVT. OF NCT OF DELHI AND ANR.....Respondents

Through: Mr. Yasir Rauf Ansari, ASC (Crl.) with
Mr. Alok Sharma, Ms. Jyotsana Pandit
and Mr. Mohit Raj Nagar, for the State
with SI Sandeep Rawal, PS Govind
Puri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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11.03.2025

CRL.M.A. 7681/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Application stands disposed of.

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3. Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (old Section 482 of the Code of Criminal Procedure, 1973) has been filed on behalf of the three Petitioners for quashing the FIR No. 264/2024 under Section 323/325/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Govind Puri.

4. It is submitted that an incident of fight took place on 16.01.2024, in which one person died while the second person is unconscious since last 10 months. The FIR No. 43/2024 under Section 302/307/323/341/506/436/34 of the IPC was registered at Police Station Govind Puri on the Complaint of the Petitioner No. 1, Mr. Sombir in which the three Petitioners and one, Mr. Virender, who is unconscious for the last 10 months while one has died. After conclusion of the investigations, Charge-Sheet has already been filed against the named accused persons.



5. However, after about five months the Respondent No. 2, Smt. Savita Gupta made a false Complaint, on the basis of which FIR No. 264/2024 under Section 323/325/34 of the IPC got registered at Police Station Govind Puri, against the three Petitioners and Mr. Virender, who is lying unconscious. It is submitted that it is evident from the circumstances that the Complaint made after more than four months, is only an afterthought and intended to harass the Petitioners, who are the Complainants in the First FIR No. 43/2024.

6. Learned ASC for the State, submits that the investigations in this FIR almost completed and the Charge-Sheet is likely to be filed within four weeks.

7. **Submissions heard and the record perused.**

8. The sole ground on which the FIR is sought to be quashed is the inordinate delay in lodging of the Complaint on 03.05.2024. The very fact that the Respondent No. 2 had been absconding, clearly shows that this FIR is nothing but an afterthought, and does not have any truth or merit in it. However, it is not under challenge that a fight had taken place between the Petitioners and the Respondents, in which one person died, Mr. Virender has been injured grievously because of which, he is in *coma* while two persons in FIR No. 43/2024 had suffered grievance injuries, though some injuries were also suffered by the Petitioners in that incident, for which the MLC was prepared.

9. Considering that the incident is not in dispute, merely because the FIR got registered after a period of about four months in itself, is not sufficient to conclude that this FIR was registered *mala fide* or that there is no truth in the Complaint; rather it is a matter of trial and delay of registration of FIR, in the facts and circumstances of the present Case of the FIR.

10. There is no merit in the present Petition, which is hereby dismissed.

11. The Petition is disposed of accordingly.

NEENA BANSAL KRISHNA, J

MARCH 11, 2025/RS