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

+ CRL.M.C. 1859/2025

NEERAJ ALIAS NITIN

.....Petitioner

Through: Mr. Lakshay, Advocate (through VC)

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Shoaib Haider, APP for the State
with Insp. Rohit Kumar and SI
Kuldeep Singh, P.S. Mangolpuri

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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08.05.2025

1. The Petition under Section 482 Cr.P.C read with Section 528 B.N.S.S. has been filed on behalf of the Petitioner for quashing of FIR No. 0831/2024 under Sections 308(4)/351(3)/61(2) of the B.N.S. at P.S. Mangolpuri and the proceedings emanating therefrom.

2. It is submitted that FIR was registered on the basis of complaint of one Mr. Ajay Garg. After completion of the investigation, charge-sheet has been referred in the Court. Quashing of FIR has been sought on the following grounds:-

“a. The Applicant was unfairly implicated in the aforementioned criminal case by the Police Officials of PS Mangolpuri, who, in their rush to close the investigation, failed to identify the true culprit. In their eagerness to conclude the matter, they hastily designated the Applicant as a suspect, overlooking crucial evidence and casting aside the pursuit of justice.

b. The Applicant's name allegedly surfaced in the disclosure statement of the accused Mr Naveen Malik



during the investigation. Thereafter, the Applicant was formally arrested in the above-mentioned FIR and subsequently, an alleged disclosure state ment was obtained from him in which he had allegedly confessed to the commission of a crime.

c. The Police Officials of PS: Mangolpuri alleged that the Applicant, along with the accused Mr Harshit @ Harsh, was involved in the procurement and supply of SIMS to the gang members of Mr Himanshu Bhau. However, there is nothing on record of the Ld. Trial Court to show when and how the Applicant had procured the sims and to whom and when he supplied the SIMs.

d. During the investigation, the police officials were not able to gather even a single piece of evidence against the Applicant to establish his involvement in the commission of the offence as referred to in the FIR.

e. The Police officials of PS: Mangolpuri, though, preferred to narrate a story in which Applicant allegedly illegally procured the SIMS from the other person, Mr Naveen Malik, who is also arrayed as an accused in the above-mentioned criminal case. However, apart from the disclosure statements of the co-accused, there is nothing else on record of the Ld. Trial Court, even prima facie, established the involvement or participation of the Applicant in the manner and style in which it has been dictated/narrated by the police officials of PS: Mangolpuri in the chargesheet which they have filed after the conclusion of the investigation.

f. The Hon'ble Supreme Court of India and Hon'ble High Court of Delhi in a catena of judgements had categorically laid down that the disclosure statements cannot be the sole ground for conviction. Also, any disclosure statement made by the accused before the police does not carry any evidentiary value in the eyes



of the laws.

g. In light of the facts, the prosecution will miserably fail to establish the case narrated in the charge sheet beyond a reasonable doubt.”

3. Essentially, the grounds of quashing of FIR is that the Petitioner has been implicated falsely in this Case that he has been arrested on the basis of the disclosure statement of co-accused Naveen Malik; that allegations have been made in the charge-sheet that applicant alongwith co-accused Harshit @ Harsh was involved in procurement and supply of SIMs to gang members of Himanshu @ Bhanu, even though, there is no such evidence on record.
4. It is, therefore, submitted that since the charge-sheet does not disclose any incriminating evidence against the Petitioner, FIR be quashed against him.
5. **Learned Prosecutor submits** that all these grounds are those which may be considered by the learned Trial Court at the time of arguments on charge and are not the ground for quashing of FIR.
6. **Submissions heard and record perused.**
7. Essentially, the Petitioner is claiming that he has been falsely implicated in this case and that there is no cogent evidence against him. These are the aspects which have been investigated and the Charge-Sheet is already filed in the Court. All these aspects may be agitated before the learned Trial Court at the time of arguments on Charge.
8. With these observations, the Petition is disposed of.

NEENA BANSAL KRISHNA, J

MAY 8, 2025/N