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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2022/2025 & CRL.M.A. 9112/2025

KABIR SINGH

.....Petitioner

Through: Mr. Sameer Jha and Ms.
Jyoti Batra, Advs.

versus

THE STATE (G.N.C.T OF DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam,
APP for the State with SI
Manish Phogat, PS
Mehrauli and the
complainant.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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14.07.2025

1. The present petition is filed challenging the order dated 29.01.2025 (hereafter '**impugned order**'), in CR Case 565/2022 arising out of FIR No. 3303/2015 ('**FIR**'), registered at Police Station Mehrauli, whereby the learned Trial Court took cognizance against the petitioner and issued summons against him.

2. The brief facts of the case are that on 16.12.2015, the FIR was registered at Police Station Mehrauli for offences under Sections 186/332/353/279 of the Indian Penal Code, 1860 ('**IPC**') on a complaint made by Respondent No.2. It was alleged that the petitioner was driving his car at a high speed while talking on mobile on MG road. When the complainant/ Respondent No.2 tried to stop the petitioner, he did not reduce his speed and hit the complainant and another police officer on



duty.

3. Chargesheet was filed on 28.01.2022 whereunder the petitioner was charge sheeted for the offences under Sections 186/332/353/279 of the IPC.

4. By the impugned order, after hearing the arguments on the prosecution's application for condonation of delay, the learned Trial Court held that the relevant date for determining the period of limitation is the date of complaint. It was noted that as the FIR was registered on the same day when the incident took place, the objection of the petitioner in relation to chargesheet being barred by limitation is unmerited. Notice was issued to the ACP for seeking explanation from the concerned Investigating Officer as to why there was delay in investigation. Finding that there is no bar on taking cognizance, the learned trial Court issued summons to the petitioner.

5. The petitioner is essentially aggrieved by the filing of the chargesheet against him more than seven years after the incident took place. It is submitted that no worthy argument is pleaded by the prosecution for the delay and even as per the case of the prosecution, only minor injuries were caused during the incident. It is also submitted that the petitioner is apologetic for his conduct and has clean antecedents.

6. Undisputably, in the present case, there is a huge amount of delay in filing of the chargesheet by the investigating agency wherein while the incident took place on 16.12.2015, the chargesheet only came to be filed on 28.01.2022. Even the learned Trial Court has observed that no cogent reasons of delay have been disclosed, however, summons have been issued as the complaint was filed on the very same day.

7. It is argued that while the principle of computing limitation



from the date of filing of complaint might be necessary to ensure that a diligent complainant is not left without remedy, however, in the present case, the complainant himself is a police officer and the allegations relate to the offence of obstruction of a public servant. While there may be some merit in the said argument, this Court does not consider it apposite to delve in the said aspect.

8. The short question before this Court is whether it would be expedient in the interests of justice to allow the proceedings arising out of the FIR to continue.

9. This Court is empowered under Section 528 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (erstwhile Section 482 of the Code of Criminal Procedure, 1973) to quash proceedings to prevent abuse of process of law or to secure the ends of justice. In the case of **Abdul Rehman Antulay & Ors v. R.S. Nayak & Anr. : 1992 (1) SCC 225**, the Hon'ble Apex Court has observed that where the Court comes to the conclusion that the right to speedy trial of an accused has been infringed, the charges or even the conviction may be quashed.

10. In the present case, more than ten years have lapsed since the incident. Undisputably, only minor injuries were caused in the incident and the offences are also minor in nature. The petitioner is apologetic for his conduct and he has also expressed his intention to compensate by way of cost. It is also stated that the petitioner has clear antecedents and he has maintained a clean record since the incident that took place almost a decade back. In such circumstances, in the opinion of this Court, after a lapse of almost seven years, subjecting the petitioner to undergo the tribulations of a trial would be unjustified.

11. In view of the aforesaid discussion, this Court considers it apposite to quash the impugned order and all consequential



proceedings arising therefrom subject to payment of a total cost of ₹30,000/- by the petitioner, to be deposited with the Delhi Police Martyrs' Fund within a period of eight weeks from date.

12. Proof of deposit of cost be submitted to the concerned SHO.

13. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

JULY 14, 2025