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

+ **W.P.(CRL) 1288/2023**

AALOK KUMAR

.....Petitioner

Through: Mr. Sauraj Yadav and Mr. Satya
Vijay Yadav, Advocates.

versus

STATE G.N.C.T. DELHI & ANR.

.....Respondents

Through: Mr. Amol Sinha, ASC for State with
Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Nitish Dhawan,
Ms. Chavi Lazarus and Ms. Sanskriti
Nimbekar, Advocates.
SI Dinesh Kumar, PS-Nand Nagri.
Mr. A.K. Kashyap and Mr. Sunil
Kumar, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

21.11.2025

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1. This petition seeks quashing of FIR No. 0346/2021 under Section 354 of Indian Penal Code, 1860¹ read with Section 10 of the Protection of Children from Sexual Offences Act, 2012² registered at P.S. Nand Nagri and all consequential proceedings emanating thereof.
2. The prosecution's case is that on 14th June, 2021, the Complainant/Respondent No. 2 approached P.S. Nand Nagri with his minor

¹ "IPC"

² "POCSO Act"



daughter alleging that the Petitioner sexually assaulted her. It is stated that the Complainant's wife had left the matrimonial home about two years earlier and begun residing with the Petitioner, along with her two children from the marriage. When the minor daughter later visited the Complainant, she allegedly disclosed that, while alone at that residence, the Petitioner had touched her inappropriately and threatened to kill her if she spoke about it. The child was then counselled, medically examined, and later, in her Section 164 CrPC statement, reiterated the allegation. Witness statements were recorded, her date of birth was verified from school records as 19th June, 2013, and the Petitioner was issued notice under Section 41A CrPC. On completion of investigation, a charge sheet was filed and charges under Sections 354A/506 IPC and 10 POCSO Act were framed on 24th March, 2023.

3. The present petition was filed on 20th January 2023, by which time the charge sheet had already been filed and cognizance taken. Notwithstanding this, notice was issued and the petition remained pending while the trial progressed. The prosecution evidence now stands concluded, the statement of the accused has been recorded, and the matter is presently at the stage of defence evidence.

4. Considering the advance stage of the trial, the Court has observed that the Petitioner may reserve all rights and contentions to be urged before the Trial Court at the stage of final arguments

5. Nonetheless, counsel for the Petitioner submits that the impugned FIR ought to be quashed as the Petitioner has been falsely implicated. It is argued that Respondent No. 2 was facing a dowry-related case filed by his wife, and, to pressurise her, he lodged the present complaint and dragged the



Petitioner into the dispute. The impugned FIR is a retaliatory counterblast and not based on any genuine incident. Counsel further relies on subsequent complaints by the wife and sister of Respondent No. 2 disputing the allegations, and emphasizes that the Petitioner has no prior criminal record and cooperated with the investigation. On these grounds, quashing of the impugned FIR is sought.

6. The State, on the other hand, opposes the petition. It is submitted that the victim has been consistent in her stand. Her statement under Section 164 CrPC as well as her deposition before the Trial Court, support the case of the prosecution. Given the seriousness of the alleged offence and the advanced stage of the trial, the State contends that the petition warrants no interference and should be dismissed in the interest of justice.

7. The Court has considered the rival submissions. The legal position governing quashing of criminal proceedings is well settled. Even after the filing of a charge sheet and taking of cognizance, the High Court retains the inherent power to quash; however, such power is to be exercised sparingly and with circumspection. The Supreme Court has consistently held that interference is warranted only where, taking the allegations in the impugned FIR and accompanying material at face value, no offence is disclosed, or the prosecution is manifestly an abuse of process. The Court, at this stage, is not to assess the sufficiency or reliability of the evidence, nor conduct a mini-trial, but only ascertain whether the allegations, as stated, *prima facie* attract the ingredients of the alleged offences.³

8. Tested on this standard, the allegations contained in the impugned

³ *Kaptan Singh vs State of Uttar Pradesh and Ors.*, (2021) 9 SCC 35; *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra* (2021) 19 SCC 401.



FIR and the material collected during investigation, including the victim's statement under Section 164 CrPC, disclose a specific accusation of sexual assault and threat, which, on their face, attract the provisions invoked. Whether these allegations are true, fabricated, or motivated are matters of evidence, and cannot be adjudicated in proceedings seeking quashing. The defence raised by the Petitioner, including assertions of false implication or ulterior motive, pertains to disputed questions of fact, which the Court cannot evaluate under Section 482 CrPC at this stage.

9. Further, the trial has substantially progressed. The prosecution evidence stands concluded, the statement of the accused has been recorded, and the matter is now listed for defence evidence. To interdict the proceedings at this juncture would be neither appropriate nor prudent, particularly when the Trial Court is seized of the matter that has emerged during trial and is best placed to evaluate the evidence in its entirety.

10. Accordingly, this Court finds no ground to exercise its inherent jurisdiction to quash the proceedings. The Petitioner shall be at liberty to raise all his grounds urged in the present petition before the Trial Court at the appropriate stage which shall consider the same in accordance with law.

11. All rights and contentions of the parties are left open. Accordingly, the petition is disposed of.

SANJEEV NARULA, J

NOVEMBER 21, 2025

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