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

+ W.P.(CRL) 1321/2025

DAYA CHAND & ORS.

.....Petitioners

Through: Mr. Rajesh Kumar, Mr. Mordhwaj
Tiwari, Mr. Aakash Nawariya,
Advocates.

Versus

THE STATE OF NCT OF DELHI AND ANRRespondents

Through: Mr. Sanjeev Bhandari, ASC for the
State with SI Amit Punia, PS Palam
Village.
Mr. Nishant Gautam, Mr. Vipul
Verma and Mr. Prithvi, Advocates for
R1.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **25.04.2025**

CRL.M.A. 12428/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Applications stand disposed of.

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3. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 *pari materia* to Section 482 of the Code of Criminal Procedure, 1973, has been filed on behalf of the Petitioners for quashing of FIR No. 745/2023 under Section 420/506/34 of the Indian Penal Code, 1860 registered at Police Station Palam Village and all the consequential proceedings emanating thereto.
4. The grounds on which the quashing of the FIR sought, is that it is a civil settled law that if the victim has already adopted a civil remedy then



the criminal proceedings may be quashed to prevent abuse of process of the Court. The Respondent No. 2 has already filed a Suit for Specific Performance and Recovery of consideration amount. Therefore, the FIR for arrest of the Petitioner, is only for harassment and the FIR is liable to be quashed. Moreover, while all the Petitioners have been made a party in the Charge-Sheet, it does not utter a word against the Petitioner Nos. 2 and 3 showing their involvement at any stage, despite which the learned Metropolitan Magistrate had directed the Police to lodge the FIR against the Petitioner Nos. 2 and 3, without there being any averment of cognizable offence against them. The Petitioners are all innocent persons and therefore, the FIR be quashed.

5. **Learned Prosecutor** submits that the Charge-Sheet has already been filed in the present FIR and the cognizance has been taken. The matter is at the stage of arguments on Charge. The grounds taken herein can be agitated at the stage of Charge. There is no merit in the present Petition, which is hereby liable to be dismissed.

6. Submissions heard and the record perused.

7. As per the submissions made by the Petitioners, the FIR had been registered under Section 156(3) of CrPC, on the directions of the learned Metropolitan Magistrate. Though, it is settled law that the quashing of the FIR can be done even after filing of the Charge-Sheet but it has to be on the grounds, which cannot be considered by the learned Trial Court. The challenge taken in the present Case, can be taken at the time of arguments on Charge.

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



9. The Petition is disposed of accordingly.

APRIL 25, 2025/RS

NEENA BANSAL KRISHNA, J