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

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Date of decision: 17.09.2025

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W.P.(CRL) 1324/2024 & CRL.M.A. 12974/2024**1. RAMESH KUMAR****2. ARCHANA KUMARI****3. T**

(Minor Child/Victim)

4. L

(minor child aged about 11 years)

the Petitioners No. 3 & 4

through their Natural Guardian/Father

Ramesh Kumar Petitioner No.1)

.....Petitioners

Through: Mr. Kishor Kumar Mishra and
Mr. Manish Kumar, Advocate with
Petitioner No. 1 in person

versus

1. STATE OF NCT OF DELHI**2. A (aged at present 18+)**

Through IO/SO concerned

PS. Seema PURL, Delhi

.....Respondents

Through: Mr. Anand V. Khatri, ASC with
Mr. Dietya Khatri, Advocate for the
State along with SI Preeti, SI Punit
Tomar
Mr. Dilawar Singh and Ms. Savitri
Singh, Advocates for R-2

CORAM:**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)****1. Petition under Article 226 of Constitution of India read with Section**



482 of Code of Criminal Procedure, 1973 (Cr.P.C) has been filed to seek quashing of **FIR No. 319/2023 dated 02.05.2023** registered at P.S. Seema Puri, Delhi for offences under Sections 323/354/354A/506/509/34 of Indian Penal Code, 1860 (IPC) and Sections 8/12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), along with all consequential proceedings arising therefrom.

2. Briefly stated, the Petitioners state that they are law-abiding citizens. Petitioner No. 1/Ramesh Kumar is the father, Petitioner No. 2/Archana Kumari is the mother, Petitioner No. 3/T (minor girl aged about 11 years at the time of the incident) and Petitioner No. 4/L (a minor boy aged about 11 years) are their daughter and son, respectively.

3. The Petitioners' minor children were attending a Martial Arts Class in Deer Park, Dilshad Garden, Delhi, conducted by one Ravi Bhaiya. Prior to the alleged incident, on or about 29.03.2023, the father of the Complainant/Victim/P was in a drunken state while conducting the Class, leading to a quarrel between him and his wife "M", mother of the Victim in the presence of the children. The Petitioners and other parents objected to this conduct, requesting that family disputes be resolved privately and that the Classes cannot be conducted under the influence of alcohol.

4. On 07.04.2023, the Petitioners' minor children, who are Petitioners Nos. 3 and 4, went to the Class but finding the teacher absent, went to Deer Park. According to the Petitioners, P, M, their son A, and associate Tanuj assaulted the children using abusive language and physical force. The assailants allegedly pulled the hair of Petitioner No. 3/T, pressed her hand, and threatened to kill the family. Petitioners No. 1 and 2 reached upon being informed and were also assaulted.



5. The Petitioners immediately complained to the police, but faced delays and pressure not to pursue the matter. The Police eventually registered **FIR No. 277/2023 dated 16.04.2023** against P, M, A, and Tanuj under Sections 323/354/354-A/506/509/34 IPC & 8/12 POCSO Act, on the Petitioners' Complaint.

6. However, in alleged connivance with the accused in this FIR, the police registered a counter **FIR No. 319/2023** dated 02.05.2023 on a delayed Supplementary complaint from the Respondent No. 2, aged about 18 years, accusing the Petitioners of similar offences during the same incident.

7. The Petitioners allege that the MLCs show no fresh injuries on the Complainant and his family members; CCTV footage corroborates their version, and that the witnesses were planted. They underwent medical examination at GTB Hospital, confirming injuries, while the opposing side's claims are fabricated. Multiple complaints were lodged against erring police officials for misconduct, including to the Deputy Director, DDA and higher authorities, highlighting misuse of power.

8. The Petitioners challenge the impugned **cross FIR No. 319/2023 on the grounds** that it is a false, frivolous, motivated and counter blast to FIR No. 277/2023, and was registered after a delay of nearly one month from the incident dated 07.04.2023, without any explanation for the delay.

9. The Complainant/victim in FIR No. 319/2023 got her statement signed by her mother and brother on 08.04.2023, but the FIR was registered on 02.05.2023 based on a supplementary statement, indicating manipulation to counter the Petitioners' case.

10. The MLCs of the Complainants show no fresh injuries or presence of any alcohol, contradicting their claims, while CCTV footage and the



Petitioners' MLCs, support the version of Petitioners in FIR No. 277/2023. The falsification is evident from the MLCs, CCTV, and the fact that the Complainant side's child was not present as alleged, rendering the FIR an instrument of harassment.

11. The FIR was registered in connivance with erring police officials to harass the Petitioners for raising their voice against misconduct, amounting to abuse of process.

12. It is submitted that the allegations do not disclose cognizable offences under the Sections invoked as the statements are planted, delayed, and lack corroboration. Public witnesses like Vasheek, Sunder Lal, Triveni, and Tanuj are planted, with inconsistent statements recorded months later, showing fabrication.

13. The ***Charge-Sheet in FIR No. 319/2023*** was filed after seven months, further indicating malice. Moreover, no action was taken on the petitioners' Complaints against the police.

14. *Thus, it is prayed that the FIR be quashed along with proceedings emanating therefrom.*

15. ***The Respondent State has filed the Status Report*** dated 09/09/2024 whereby they have opposed the Petition, contending that the FIR discloses Cognizable Offences under the IPC and POCSO Act, warranting investigation.

16. It is submitted that the delay in registration was due to initial Complaints not fully disclosing the offences, and the Supplementary statement justified the FIR. It is further stated that quashing of FIR at this stage would interfere with the ongoing investigation and questions of fact, such as falsity or motivation, should be determined at trial. They deny any



connivance, asserting that the police acted in accordance with law, and the MLCs and statements support the Complainant's version.

17. Specifically, the **Status Report** details that the victim "A" alleged that on 07.04.2023, while in Deer Park, the Petitioners No3&4 viz. "T" and "L" assaulted her, pulled her hair, touched her inappropriately, and their parents Ramesh and Archana joined in the assault. Statements under Sections 161 and 164 Cr.P.C. were recorded of the victim/Respondent No.2, aged 17 years and her mother "M", aged 38 years, corroborating the allegations.

18. The investigation was concluded, and the Charge sheet has been filed against the adult Petitioners under Sections 323/354/354A/506/509/34 IPC and Sections 8/12 POCSO Act, while proceedings against the minors, have been sent to the Juvenile Justice Board.

19. *Thus, it is submitted that the Petition be dismissed to prevent miscarriage of justice to the minor victim.*

Submissions Heard and Record Perused.

20. The FIR No. 277/2023 (the "first FIR") and the case in question i.e. FIR No. 319/2023 (the "second FIR"), stem from the same alleged incident of 07.04.2023, at Deer Park, registered at PS Seema Puri under identical Sections: 323/354/354-A/506/509/34 IPC, as well as Sections 8/12 of POCSO Act.

21. **The first Complaint** was made by the mother and brother of **Respondent No. 2/A** on 08.04.2023 detailing the incident of 07.04.2023, wherein it was alleged as under:

I, "MC" (mother of victim) W/o "PC", on today 07/04/2023, I alongwith my children were coming back to home after over the class suddenly, Tanisha' a father



(Ramesh Kumar) came from behind me and hit on my head several times with helmet, slapped and misbehaved with me. **And misbehaved with my daughter, tore her clothes, beat my other two children too and misbehaved with them, we kept on protecting ourselves.** I kept on searching my 5 years old child. They did not listen to us even single thing. At that time there were many children of our class who were watching the incident happening with us. **Therefore, there is a threat of our life from these people. As they attacked us today, they can also repeat this.**

Therefore, you are requested to save me and my family members. At the time of incident, wife of Ramesh Kumar, daughter Tanisha, son Lakshit beat me and my children badly, held the hand of my daughter, made her lie and beat badly.

I have fear that they can beat and tease again with me and my children.

Therefore, you are requested to save us.

Complainant

MC (Mother of Victim)

(Sign in English)

AC (brother of Victim)

(Sign in English)

AC (VICTIM)

(Sign in English)

AC (brother of victim)

Dy. No. LC-780

Date 12/ /23

P.S. Seema Puri

22. The medical examination of the father, mother, and brother of Respondent No. 2/A were done at GTB Hospital on 07.04.2023, and in the MLCs, it is noted that “*no fresh injuries seen*” on either of the three at the time of examination. Since the Complaint did not disclose any cognizable offence; *therefore, no FIR came to be registered.*

23. The first ground on which the quashing of the FIR is sought is that there was no allegations of sexual assault made by the Respondent No. 2 in



the initial Complaint dated 08.04.2023 but subsequently; the Complainant gave a modified Complaint on 02.05.2023 with marked improvements and embellishments, which reflects the manipulation.

24. It is pertinent to observe that the first Complaint was made by the mother of Respondent No. 2 on 08.04.2023 i.e. after one day of the alleged incident of 07.04.2023. There were allegations made for “badtmeezi being done to his daughter”. The subsequent Complaint of 02.05.2023, only elaborated further the term ‘badtmeezi’ for which the Complaint had been made in the first instance.

25. It was further contended that the daughter in fact was not even present at the time of incident, which is evident from the fact that while the MLC of the father, mother and brother of the Prosecutrix was conducted on 07.03.2023, there was no MLC of the Prosecutrix showing that she was not present and subsequently, a Complaint has been filed on manufactured facts.

26. It cannot be overlooked that the first Complaint dated 08.04.2023, had the signatures of the Prosecutrix. Her MLC may not have been conducted but that in itself, at this stage, cannot be inferred as a circumstance from where, irresistible conclusion can be drawn that she was not present at the time of the incident. It is also pertinent to note that in the Complaint dated 12.04.2023, filed by the Petitioners against the family members of Respondent No. 2, it is indicated that Respondent 2 was also present at the time of fight which took place on 07.04.2023.

27. It is essentially a matter of trial whether the averments made in the Complaint by the Prosecutrix about her assault were correct or true. This is pertinent in the light of the fact that the incident of 07.03.2024 wherein the Petitioners and Respondent No. 2 and his family had a fight, is an



undisputed fact. In fact, the first FIR No. 277/2024 has been recorded against Respondent No. 2 on the Complaint of the Petitioners.

28. This is a Petition filed under Article 226 of Constitution of India read with Section 482 Cr.P.C. for quashing of the FIR. Considering that the incident is not denied and there are MLCs of both the parties, it is not a case where it can be held that the averments made in the Complaint by Respondent No. 2 are fabricated or conjured, which merits quashing of FIR. Whether some allegations in both the FIRs, essentially in regard to molestation and outraging the modesty of the two Prosecutrix in the two FIRs, is correct or not, can be determined only at the time of trial.

29. In the case of Niharika Infrastructure Pvt. Ltd. v. State of Maharashtra (2021) SCC OnLine SC 315, it has been observed that the Court must evaluate if the uncontroverted allegations disclosed and influence without embarking on a roving enquiry into the facts. The facts involved in the present case cannot be termed to be uncontroverted, rather they merit a trial to determine a truthful of allegations made therein. Likewise, in Naushey Ali v. State of UP, 2024 SCC OnLine SC 5172, the Apex Court had observed that mere invocation of IPC/POSCO provisions, does not preclude quashing, if not supported by material. As already observed, there are enough material sustaining the registration of FIR and at this stage, it cannot be considered as a fit case for quashing. This is more so, as it cannot be overlooked that there is a cross FIR registered on the Complaint of the Petitioners against Respondent No. 2 and her family members in regard to the same incident.

30. There may have been a delay of about 25 days in lodging the Complaint by Respondent No. 2 in respect of incident dated 07.04.2023, but



it cannot be overlooked that the Complaint had been made on 08.04.2023, i.e. on the very next day by Respondent No. 2.

31. The delay, if any, was not in making the Complaint, but in registration of FIR, which is again a matter of trial.

Conclusion:

32. In view of the foregoing analysis, **it is held that the circumstances do not justify quashing** of FIR No. 319/2023 dated 02.05.2023, registered at P.S. Seema Puri, Delhi.

33. The Petition is hereby dismissed.

34. The Petition is accordingly disposed of, along with pending Application(s), if any.

NEENA BANSAL KRISHNA, J

SEPTEMBER 17, 2025/RS