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

+ **W.P.(CRL) 1899/2023**

PANKAJ GOEL

.....Petitioner

Through: Mr. Bipin Kumar and Mr. Suresh
Chandra Sharma, Advocates.

versus

THE STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Amol Sinha, ASC (Crl.) with
Mr Kshitiz Garg, Mr. Ashvini Kumar,
Mr. Rahul Kochar, Ms. Chavi
Lazarus and Ms. Sanskriti Nimbekar,
Advocates.
Mr. S.K. Pathak and Mr. Shobhit
Sharma, Advocates for Complainant.
Mr. Sunil, SI, PS-Adarsh Nagar.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **12.02.2025**

1. The present petition filed under Article 226 of the Constitution of India, 1950 seeks quashing of FIR No. 184/2023 dated 5th February, 2023 registered under Sections 420/468/471/34 of the Indian Penal Code, 1860 at P.S. Adarsh Nagar, North West District, Delhi.
2. When the present petition was filed, the matter was still under investigation. Subsequently, a chargesheet has been filed wherein Mr. Chander Muni Tyagi has been arrayed as an accused in column No. 11. Mr. Pankaj Goel, the Petitioner, is shown in column No. 12 along with two other co-accused, Mr Neeraj Mittal and Mr. Suresh Kumar Goel @ Bhalla.



3. The chargesheet was submitted before the Trial Court on 20th May, 2024. However, it transpires that Trial Court, after considering the chargesheet, has taken cognizance and summons issued all the four accused who are been mentioned either in columns No. 11 or 12. The Court is informed that after summoning, the Petitioners have filed their bail bonds and the Trial Court has commenced hearing arguments on charge. Part arguments have been heard and the matter is now listed for further arguments on 2nd April, 2025.

4. In light of the foregoing, it appears that the prosecution has not found any material to implicate the Petitioner and categorized him as an 'accused not charge-sheeted'. Despite this, the Trial Court, while acting within its jurisdiction, has taken cognizance against the Petitioner.

5. In view of the above development, the allegations made in the present petition assailing the FIR No. 184/2023, cannot form the basis for its quashing, as the FIR has already culminated in a chargesheet and a subsequent summoning order. The Trial Court, for reasons not brought before the Court in the present petition, has taken a view to summon the Petitioner. Accordingly, the relief sought in the present petition cannot be granted as it would amount to expressing opinion of accepting the chargesheet as it is.

6. Thus, the Court is not inclined to allow the present petition for the reasons stated above. It is clarified that the Court has not examined the merits of the case. The Petitioner shall be free to take recourse to urge all the grounds urged in the present petition before the Trial Court at the stage of framing of charge. The Petitioner shall also be entitled to take recourse to any other legal proceedings as are available under law against the



summoning order, if so advised, which if filed, shall be considered on its own merits, in accordance with law.

7. Accordingly, the present petition is dismissed.

SANJEEV NARULA, J

FEBRUARY 12, 2025

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