



2025:DHC:4069



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 15.05.2025

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W.P.(CRL) 1601/2025

SEEMA YADAV & ANR.

.....Petitioners

Through: Mr. Ram Kumar, Adv.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Amol Sinha, ASC for the State with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish Dhawan & Ms. Sanskriti Nimbekar, Advs.SI Baleshwar Rana, PS Najafgarh.Mr. Sandeep Bhardwaj, Mr. Abhishek Sharma, Mr. RK Sharma, Ms. Priya Tyagi, Advs. for Complainant.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

JUDGMENT (ORAL)

RAVINDER DUDEJA, J.

1. The present petition is filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing FIR



No. 0173/2022 under Sections 420, 467, 468, 471, and 34 IPC registered at Police Station Najafgarh, Delhi.

2. Briefly stated, the complainant Smt. Bimla alleged that the present petitioners illegally constructed on her plot in Dwarka Vihar, Najafgarh using forged documents, despite her objections and police complaints, leading to registration of FIR No.0173/2022 under Sections 420, 467, 468, 471, 448, and 34 IPC at PS Najafgarh.

3. Learned counsel for the petitioners has submitted that the FIR is based on forged documents and false notices created by respondent no. 2 and her associates, while the actual owner of the property is Ram Kumar, and not the complainant and the complainant lodged the FIR under section 156(3) Cr.P.C. Despite filing over 20 complaints regarding document forgery, kidnapping of the petitioners' minor son, and life threats from respondent no. 2's associates, no meaningful action was taken by the police. It has been further submitted that during the investigation of FIR no. 0173/2022, a police official stole original documents from the petitioners' home, and despite providing CCTV footage and complaints to senior officers, no action or forensic inquiry was initiated.

4. Furthermore, it has been submitted that the police is protecting a land mafia, fabricated police diary entries to shield the police official who stole original documents from the petitioners' home, and deliberately obstructed the petitioner from joining the investigation



despite Supreme Court directions, hence the case requires investigation by an independent agency like the CBI.

5. Issue notice. Learned APP for the State appears on advance notice and submits that the investigation is at an initial stage and is being carried out diligently by the Investigating Authority. He has further submitted that no irregularity or *mala fide* can be attributed to the investigating agency at this stage, and that the petitioner's apprehensions are unfounded and premature.

6. Submissions made by both the counsels heard. The documents placed on record perused.

7. Section 482 of the Cr.P.C. confers the High Court with an inherent power to quash an FIR or a complaint, upon satisfaction of well-established parameters. While considering a petition seeking quashing of an FIR or complaint, the Court must take into consideration - if the allegations made in the FIR/complaint taken at face value, *prima facie* do not constitute any offence or make out any case against the accused ; if the allegations made in the FIR do not disclose any cognizable offence, which justifies a police investigation under Section 156(1) of the Cr.P.C, if the allegations made in the FIR/complaint and the evidence collected in support of the same do not disclose the commission of any offence, and do not build any case against the accused and if a criminal proceeding is based on *mala fides*, or the proceeding is maliciously instituted with an ulterior motive. The extraordinary or inherent powers do not confer an



arbitrary jurisdiction on the Court to act according to its whim or caprice.

8. In ***State of Haryana v. Bhajan Lal***, 1992 Supp (1) SCC 335, the Apex Court *inter alia* held that the power to quash an FIR must be used sparingly, cautiously, and only in the rarest of rare cases. The Court emphasized that at the stage of quashing, it is not proper for the Court to evaluate the truth or falsity of the allegations made in the FIR. It further clarified that the inherent powers under Section 482 CrPC are not meant to be exercised arbitrarily or based on personal discretion.

9. Similarly, in ***Ramesh Chandra Gupta v. State of U.P. & Ors.***, 2022 SCC OnLine SC 1634, the Supreme Court reiterated that quashing is only appropriate when the FIR and supporting evidence, even if accepted as true, do not show that any offence has been committed.

10. In the present matter, the investigation into FIR No. 0173/2022 is still at a preliminary stage, and no final conclusions have been drawn by the investigating agency. The allegations raised are serious and require a thorough and impartial probe to ascertain the facts. Interfering at this juncture would amount to usurping the role of the investigating agency and premature judicial intervention is neither warranted nor justified.

11. The established legal principles laid down by the Supreme Court in ***Bhajan Lal*** (supra) and ***Ramesh Chandra Gupta*** (supra)



clearly state that the power to quash an FIR should only be exercised in exceptional cases where the allegations, on their face, do not amount to any offence. Since there is no such conclusive finding at this stage, the Court finds it appropriate to reject the petition. The petitioners are free to raise their arguments once the investigation is complete or during the trial.

12. The petitioner has also sought transfer of the investigation to another competent authority such as the CBI. It is well settled that transfer of investigation to another agency like the CBI should not be directed as a matter of routine, but only in rare and exceptional cases where it becomes necessary to instill confidence in the investigation or where the circumstances indicate a real likelihood of bias or miscarriage of justice. The Supreme Court, in **K.V. Rajendran v. Superintendent of Police**, (2013) 12 SCC 480, has *inter alia* held that such transfer can only be ordered in rare and exceptional circumstances to advance the cause of justice. No such circumstance has been demonstrated in the present case. Mere dissatisfaction with the progress of the investigation or vague allegations of bias, without any tangible material, do not justify such a transfer.

13. Therefore, in view of the above facts and circumstances, and without going into the merits of the case, the petition seeking, quashing of FIR No. 173/2022 and referral of the investigation in FIR No. 173/2022 to any agency other than the Delhi Police, is dismissed.



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The investigation and subsequent proceedings shall continue in accordance with law.

14. Pending applications, if any, are accordingly disposed of.

RAVINDER DUDEJA, J.

MAY 15, 2025/na

