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

+ **CRL.M.C. 3718/2019 & CRL.M.A. 35009/2024**

SUNDAR CHAUDHARY & ANR

.....Petitioners

Through: Mr. Abhinav Sharma and Mr.
Shreesh Pathak, Advocates

versus

STATE & ORS.

.....Respondents

Through: Mr. Rahul Tyagi, ASC with Ms.
Mathew M. Philip, Mr. Sangeet
Sibou and Mr. Aniket Kumar Singh,
Advocates for State along with SI
Ravi Rana
Mr. Yogesh Saini along with Ms.
Utkarsh Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

14.02.2025

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CRL.M.A. 35009/2024 (condonation of delay)

1. The instant application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (earlier Section 482 of the Code of Criminal Procedure, 1973) has been filed on behalf of the petitioners/applicants seeking condonation of delay in filing the amended petition in terms of the order dated 26th September, 2024.

2. For the sufficient reasons being shown in the application, the delay of 34 days in filing the amended petition in terms of the order dated 26th September, 2024 is hereby condoned.



3. Accordingly, the instant application is disposed of.

CRL.M.C. 3718/2019

1. The instant petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter “Code”) [now under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”)] has been filed on behalf of the petitioners seeking the following reliefs:

- “a) Allow this Petition and pass an order/direction deleting/quashing the name of the Petitioners shown in Column 12 or wherever shown as suspect in the Chargesheet arising out of FIR No. 518/2016 PS KM Pur, Delhi;*
- b) Pass directions for appropriate action against the delinquent police officers at Kotla Mubarakpur Police Station, New Delhi and complainants, for illegalities committed;*
- c) Pass such other and further Orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.”*

2. Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the instant case by the concerned police officers of Police Station – Kotla Mubarakpur, Delhi on the false pretext of taking bribe and erroneously, registered an FIR bearing no. 518/2016 under Sections 308/452/323/34 of the Indian Penal Code, 1860 (hereinafter “IPC”) against the petitioners.

3. It is submitted that the Deputy Commissioner of Police, Delhi admitted that the conduct of the concerned police officials namely HC Hari Ram (555/SD) and SI Amit Kumar (D-5044) have been suspended for approximately 6 months for finding *prima facie* irregularities in their conduct in the instant case. Moreover, the police have filed a final report under Section 173 of the Code, wherein the petitioners were not



chargesheeted.

4. In light of the foregoing submissions, it is prayed that the instant petition may be allowed.

5. Learned ASC for the State submitted that it has no objection in quashing of the instant FIR as the conduct of the concerned police officials was found to be irregular. However, it is also submitted that the said police officials have already undergone punishment, thereby being suspended from service for an approximate period of 6 months and hence, prayed that the instant petition may be disposed of without passing any directions for taking action against the said officials.

6. Heard learned counsel for the parties and perused the record.

7. At this juncture, this Court peruses the contents of the Status Report of the State, which is part of the record, wherein it was stated that a departmental enquiry was initiated against the concerned police officials under the provisions of Delhi (Punishment and Appeal) Rules, 1980 on the complaint of the petitioner no. 2 herein. Accordingly, both the police officials were suspended from 22nd November, 2016 and 24th May, 2017. Furthermore, it is stated that after the enquiry, HC Hari Ram was awarded a punishment of Censure and SI Amit is exonerated from the charge levelled against him. It is further stated the petitioners are not chargesheeted in the instant case.

8. In light of the submissions advanced by the learned counsel for the parties, no objection provided on behalf of the State and the fact that the said police officials have already undergone punishment as stated in the Status Report, this Court is inclined to exercise its inherent powers under Section 482 of the Code and quash the FIR bearing no. 518/2016 registered



Sections 308/452/323/34 at Police Station – Kotla Mubarakpur, Delhi and consequential proceedings emanating therefrom.

9. Accordingly, the instant petition is disposed of alongwith pending applications, if any.

CHANDRA DHARI SINGH, J

FEBRUARY 14, 2025
rk/mk

[Click here to check corrigendum, if any](#)