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

+ **W.P.(CRL) 2171/2021, CRL.M.A. 17435/2021 (interim relief)**

PUSHPA

.....Petitioner

Through: Thakur Sumit, Mr. Gaurav Rathor,
Mohd. Afaq, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Amol Sinha, ASC (CrI.) for the
State with Mr. Ashvini Kumar, Mr.
Nitish Dhawan, Ms. Chavi Lazarus
and Ms. Sanskriti Nimbekar,
Advocates for State.
Mr. Sanjay Lao, Standing Counsel
with SI Mukesh Kumar, PS Kalkaji.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

03.04.2025

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W.P.(CRL) 2171/2021

1. Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the Petitioner, Pushpa for quashing of FIR No. 150/2021 dated 01.04.2021 under Sections 323/354/506/509/34 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Kalkaji, District North-West, Delhi and all the consequent proceedings emanating therefrom.

2. It is submitted in the Petition that bare perusal of the contents of the



Petition would show that there are no allegations of Section 506/509/34 IPC made out against the Petitioner Nos. 1 and 2. The allegations of Section 354 IPC were only alleged against the Petitioner No. 3, namely, Ayush Swaroop against whom the PIR was filed before the Juvenile Justice Board and the PIR has been dismissed as barred by limitation.

3. It is submitted that this FIR is nothing but counter-blast the FIR No. 140/2021 dated 28.03.2021 registered against the Complainant on the Complaint of the Petitioner. It is submitted that the present FIR is liable to be quashed.

4. Learned ASC for the State, submits that the Charge-Sheet has already been filed in this FIR and the Charges under Sections 323/341 and 354 IPC have been framed against the Petitioner Nos. 1 and 2 and the matter is now pending for prosecution evidence.

5. Learned Counsel for the Complainant has appeared through video-conferencing and the testimony of PW-1 and PW-2 that is the Complainant and her husband, has been recorded in chief.

6. **Submissions heard and the record perused.**

7. The Petitioner has sought the quashing of the FIR, firstly on the ground that it is a counter-blast to the FIR registered on his Complaint earlier against the husband of the Complainant. However, whether it is a counter-blast or not cannot be decided at this stage. It is the merits of the case, which can be taken up only on during the trial.

8. The second contention of the learned counsel for the Petitioner is on merits wherein it is asserted that the *prima facie* Section 506/509 IPC offences are not disclosed in the FIR as has been submitted on behalf of the State. The Charges have been framed only under Section 323/341/509/506



IPC and there are no charges framed under Section 354 IPC. Pertinently, in so far as the quashing of the FIR, is concerned, it is well-stated that FIR is only the First Information about the incident and cannot be considered as an encyclopaedia of the complete facts. It is only on the investigations that the complete evidence can be collected to ascertain the offences, which are ultimately made out on the Complaint of which, the FIR is registered.

9. In the present Case, the Charges have already been framed. The quashing of FIR which is sought on merits, cannot be done at this stage. The Petitioner has not challenged the Order on Charge till date. In case he is aggrieved, he is at liberty to seek appropriate remedy against the framing of Charge.

10. There is no merit in the quashing of the FIR. The Petition is hereby dismissed. Pending Application also stands disposed of.

11. The Petitioner is at liberty to raise all his assertions and contentions before the learned Trial Court and to pursue his remedy in accordance with law.

NEENA BANSAL KRISHNA, J

APRIL 3, 2025/RS