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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1798/2025, CRL.M.A. 16825/2025 &**
CRL.M.A. 16826/2025
KRISHAN KUMAR GOEL
& ANR.

.....Petitioners
Through: Mr. Vivek Sood, Sr. Adv.
with Mr. Rupesh Kumar
Tyagi, Mr. Tarun Nanda,
Mr. Amitanshu Satyarthi,
Ms. Medhavi & Ms.
Pankhuri Jain, Advs.

versus

STATE (NCT OF DELHI)
& ANR.

.....Respondents
Through: Mr. Amol Sinha, ASC for
the State with Mr. Kshtiz
Garg, Mr. Ashvini Kumar,
Ms. Neetu Sahani, Ms.
Asha Rani, Ms. Richa
Tiwari & Ms. Divya Attri,
Advs.
SI Praveen Narwal, PS-
Parliament Street
Mr. Akshay Chandra, Mr.
Aditya Malhotra & Mr.
Karan Malhotra, Advs.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
28.05.2025

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1. The present petition is filed against the order dated 26.04.2025 ('**the impugned order**') passed by the learned JMFC in the application filed by Respondent No. 2 under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('**BNSS**'). The petitioner also challenges the consequent registration of FIR being FIR No. 51/2025 (hereafter '**the**



impugned FIR') registered at Police Station Parliament Street for offences under Sections 420/120B of the Indian Penal Code, 1860.

2. The learned Senior Counsel for the petitioner submits that for the same set of allegations which led to the registration of the impugned FIR, the respondent had approached the learned Trial Court by filing an application under Section 175(3) of the BNSS alleging that the cause of action has taken place within the jurisdiction of Police Station Parliament Street.

3. He submits that the learned Trial Court had called for a status report in the said application and the matter is pending consideration before the concerned Judge in Patiala House Courts.

4. He submits that without disclosing the said fact, the complainant again filed an application under Section 175(3) of the BNSS alleging that the cause of action occurred under the jurisdiction Court in Vivek Vihar. He submits that in the said complaint, the Action Taken Report was filed by the concerned Police Station specifically pointing out that for the same set of allegations, the complaint has already been filed and is pending consideration before the concerned Judge in Patiala House Courts.

5. He submits that the learned Trial Court, without making any reference to the said aspect has passed the impugned order which has led to registration of the impugned FIR.

6. The learned counsel for the complainant who appears on advance service, states that the set of facts in both the cases may be overlapping, however, they gave rise to separate cause of actions.



7. He, however, fairly states that the said aspect that the complaint had been filed on an earlier occasion, having some overlapping aspects, should have been taken note of by the learned Trial Court before passing any order directing registration of FIR.

8. The learned Additional Standing Counsel also states that the fact as noted by the Police in the status report should have been considered by the learned Trial Court before proceeding to pass any order.

9. The learned counsel for the parties request that the matter be remanded back to the learned Trial Court for consideration afresh.

10. Since all parties are at *ad idem*, the impugned order dated 26.04.2025 is set aside and, consequently, the FIR No. 51/2025 is also quashed.

11. The matter is remanded back to the learned JMFC for passing a fresh order after keeping in mind the observations made in the present order.

12. It is made clear that this Court has not commented upon the aspect whether any directions for registration of FIR could have been issued on the allegations made by the complainant and the order is passed solely for the reason that important aspect as noted above was not considered by the Trial Court.

AMIT MAHAJAN, J

MAY 28, 2025
“SS”