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

+ **CRL.M.C. 4974/2025, CRL.M.A. 21580/2025**

ANITA SAWHNEY

.....Petitioner

Through: Mr. Uday Singh and Mr. Syed Hasan,
Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
with Mr. Rahul Kumar, PS-New
Friends Colony and Mr. Nawal Singh,
ASI, PS-Kalyanpuri.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.08.2025

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1. The present petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeks quashing of chargesheet dated 11th June, 2020 registered in FIR No. 84/2020¹ under Sections 188/269/271 of Indian Penal Code, 1860² and Section 3 of Epidemic Diseases Act, 1897 registered at P.S. New Friends Colony and all consequent proceedings emanating therefrom.

2. Briefly, the case of the prosecution is as follows:

2.1. On 5th April, 2020, HC Nawal Singh along with Ct. Bijender were carrying out verification of persons directed to remain in home quarantine after returning to India post 15th February, 2020, in terms of the prohibitory

¹ "the impugned FIR"

² "IPC"



orders under Section 144 of the Code of Criminal Procedure, 1973³ and the Standard Operating Procedure issued by the Health and Family Welfare Department, Delhi. A list of such persons was circulated by the concerned authority. As per that list, the Petitioner was required to remain in home quarantine at her residence. However, on verification, it was found that she had allegedly left her residence in violation of the said directions. This was purportedly confirmed both by local inquiry and analysis of her mobile phone Call Detail Records.⁴ On this basis, the impugned FIR was registered.

2.2. During investigation, the Petitioner was interrogated and served notice under Section 41A Cr.P.C in compliance with the directions laid down in *Arnesh Kumar v. State of Bihar*.⁵

2.3. Sanction under Section 195 Cr.P.C was obtained from the competent authority, and witnesses were examined under Section 161 Cr.P.C.

2.4. On completion of investigation, chargesheet was filed under Sections 188, 269, 271 IPC and Section 3 of the Epidemic Diseases Act. The matter is pending trial and charges are yet to be framed.

3. Counsel for the Petitioner submits that the Petitioner has been falsely implicated in the impugned FIR by officials of P.S. New Friends Colony, who have acted in excess of their authority. It is argued that when the Petitioner returned from the United States of America, she was thoroughly screened by the airport health authorities, found to be asymptomatic and permitted to return home without any direction of mandatory quarantine, in terms of the Ministry of Home Affairs' prevailing notifications. It is urged that the chargesheet does not disclose that the Petitioner ever tested positive

³ "Cr.P.C"

⁴ "CDR"



for COVID-19 or that she was even suspected of carrying the infection, let alone posing any likelihood of spreading it. The entire prosecution case, counsel argues, rests solely upon the inference drawn from the Petitioner's mobile CDR location chart, which allegedly showed her movement outside her residence. However, in fact, the Petitioner never stepped out of her residence during the relevant period.

4. *Per contra*, Mr. Mukesh Kumar, APP for the State, opposes the petition. He submits that the CDR analysis clearly establishes that the Petitioner had left her residence in violation of the prohibitory orders issued under Section 144 Cr.P.C. According to him, in the backdrop of the prevailing COVID-19 pandemic, such conduct amounted to exposing the public at large to unnecessary risk, thereby endangering public health and justifying the continuation of criminal proceedings against her.

5. The Court has carefully considered the submissions advanced by both sides and perused the material on record. The prosecution's case is premised primarily on the allegation that the Petitioner left her residence in violation of quarantine directions, supported only by the CDR analysis of her mobile phone. Significantly, the chargesheet does not allege that the Petitioner was ever found COVID-19 positive or even suspected of being a carrier of the infection. For an offence under Section 269 IPC, it is essential to establish that the accused was infected with, or knowingly exposed others to, a disease dangerous to life, coupled with negligent or malicious intent to spread the same. In absence of such foundational facts, continuation of proceedings under Section 269 IPC would be wholly unwarranted.

6. Likewise, for Section 188 IPC to apply, the prosecution must establish

⁵ AIR 2014 Supreme Court 2756



disobedience of a specific order duly promulgated by a lawfully empowered public servant. The record does not disclose that any specific order of quarantine was served upon the Petitioner; rather, reliance is placed on general prohibitory orders and lists maintained by the authorities. Similarly, invocation of Section 271 IPC and Section 3 of the Epidemic Diseases Act cannot be sustained in absence of proof of quarantine order duly served on the Petitioner.

7. It must be borne in mind that the impugned FIR was registered on 5th April, 2020, at the height of the pandemic when there was widespread uncertainty, heightened fear and overzealous enforcement of preventive measures. The Petitioner is a person with clean antecedents and has been facing the ordeal of criminal prosecution for more than 5 years on the strength of doubtful evidence. In these circumstances and particularly in view of the failure to establish the basic ingredients of the offences invoked, this Court is of the considered opinion that allowing the proceedings to continue would amount to an abuse of process of law.

8. Accordingly, the present petition is allowed and the impugned FIR No. 84/2020, the chargesheet filed thereunder and all consequential proceedings, are hereby quashed.

SANJEEV NARULA, J

AUGUST 18, 2025

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