



\$~44

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

+ **W.P.(CRL) 2872/2024, CRL.M.A. 28007/2024**

SH BABLU @ RAJAT SHARMA

.....Petitioner

Through: Mr. Vishnu Kumar Sharma,
Advocate.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Yasir Rauf Ansari, ASC for State
with Mr Alok Sharma, Ms Pragya
Sharma, Advocates.

Mr. Archit Upadhyay, Adv.
(DHCLSC); Ms. Muskan Aggarwal,
Adv.; Ms. Gauri Pandit, Adv. for
Victim.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **04.12.2025**

1. A Petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been filed on behalf of the Petitioner for quashing of FIR No.589/2023 dated 11.11.2023 under Section 376/377/506 IPC registered at Police Station Madhu Vihar, Delhi.

2. Essentially, the grounds taken are that there is a delay of about six days in registration of FIR; no CCTV footage of the incident; there is no independent eye witness; the MLC also does not corroborate the allegations and on the perusal of the record, it is evident that there is no prima facie case made out against the Petitioner.

3. The **Status Report** has been filed on behalf of the State, wherein it is



submitted that the Complainant had given the date of incident as 05.11.2023. However, the supplementary investigations were carried out wherein she clarified that the incident actually was of 04.11.2023 and not 05.11.2023. The CDR records were analyzed and it was found to be corroborative of the statement of the Complainant.

4. It is further submitted that the Prosecutrix has corroborated her Complaint in her Statement under Section 164 Cr.P.C. The Notice under Section 41A Cr.P.C was given to the Petitioner/Accused on 19.11.2023 and thereafter on 22.11.2023 and he joined the investigations during which he stated that he was in a relationship with the Complainant since November, 2022. His mobile was seized as there were allegation that it contained obscene pictures of the Complainant. The CDR records of the Accused and the Complainant were obtained which on analysis showed the location of the mobile phones of both of them at the place of incident on 04.11.2023 which has emerged as the actual of incident, during supplementary investigations.

5. There are also transcripts of the conversation between the Prosecutrix and the Accused, wherein she was asking for Rs.1.5 lakhs which she had allegedly given as a debt to the Petitioner for business purposes.

6. After completion of investigation, Chargesheet has been filed in the Court on 12.02.2024.

7. **Learned ASC for the State** submits that the matter is now listed for argument on Charge.

Submissions heard and record perused.

8. The Petitioner has asserted that there is a delay in registration of FIR. It is a matter of trial and per-se delay of 5-6 days is not a ground in itself for quashing of FIR. In so far as no CCTV footage or independent eye witness



or the MLC is concerned, these cannot be considered at this stage to conclude that it is a false Complaint. These are all matter of trial which have to be considered by the learned Trial Court. Whether a prima facie case has been made out or not, is again a matter which can be agitated before the Trial Court during the arguments on Charge.

9. It cannot be overlooked that the Complainant has not only given her Complaint disclosing the offence, but has also corroborated her averments in the statement under Section 164 Cr.P.C. During supplementary investigations, the CDR records had been obtained which corroborates the version given by the Prosecutrix and the date of incident has been corrected to 04.11.2023 instead of 05.11.2023. Considering the totality of circumstances, quashing is sought on merits which can very well be agitated before the learned Trial Court. Disputed facts about delay and contradictions have been raised in the present Petition which is beyond the scope of the Petition for quashing under Section 482 Cr.P.C.

10. The Petition is disposed of with liberty to the Petitioner to take all these objections before the learned Trial Court.

11. The Petition stands disposed of along with the pending Application(s).

NEENA BANSAL KRISHNA, J

DECEMBER 4, 2025/va