



* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Reserved on: 10th November, 2025
Pronounced on: 15th December, 2025*

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**W.P.(CRL) 3410/2024, CRL.M.A. 32806/2024, 32808/2024,
6191/2025 & 6192/2025.**

1. **MITHUN KUMAR**

Son of Om Prakash
Resident of 33/58
Trilokpuri, East Delhi.

2. **SHRI AAKASH**

Son of Om Prakash
Resident of 30/361,
Block-30, Shiv Mandir,
Trilokpuri, East Delhi.

3. **SMT. DEEPIKA**

Wife of Aakash
Resident of 30/361,
Block-30, Shiv Mandir,
Trilokpuri, East Delhi.

4. **SMT. HEMALATA**

Wife of Mithun Kumar
Resident of 33/58
Trilokpuri, East Delhi.

5. **SHRI. PRAMOD LIKHAR ALIAS BALLU**

Son of Laxman Likhari
Resident of 30/361,
Block-30, Shiv Mandir,
Trilokpuri, East Delhi.

.....Petitioners

Through: Mr. Anurag Mishra, Mr. Ayush
Yadav, Mr. Divyanshu Agrwal,
Mr. Ratnesh Mathur and Mr. Aadarsh
Singh, Advocates



versus

1. **STATE OF NCT OF DELHI**
Through the SHO

2. **MISS 'X'.**

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State
Ms. Usha, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Writ Petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) has been filed on behalf of the Petitioners for quashing of FIR No.0361/2024 dated 15.10.2024 under Sections 74/76/79/3(5) of Bharatiya Nyaya Sanhita, 2023 (*hereinafter referred to as 'BNS'*), registered at Police Station Mayur Vihar, Phase I, Delhi and all consequential proceedings emanating therefrom.

2. ***Briefly stated***, Petitioner No.1 Mithun Kumar and Petitioner No.4 Hemalata are husband and wife. Likewise, Petitioner No.2 Aakash and Petitioner No.3 Deepika are husband and wife. Petitioner No.5 Pramod Likhar @ Ballu is maternal uncle, of Petitioner Nos.1 and 2.

3. It is submitted that Petitioner Nos.1 and 4 reside at the address mentioned in the FIR, whereas Petitioner Nos.2 and 3 reside in Block-30, Shiv Mandir, Trilokpuri, East Delhi.



4. It is stated that Petitioner Nos.1 and 2 are residing at the given addresses for the last many years. However, Respondent No.2, for the last one year, has been disturbing the peaceful living of the Petitioners. Most of the time, she along with her family members, comes to the house of the Petitioners and abuses and causes hindrances.

5. **Quashing of FIR has been sought on the ground** that the contents of the Complaint itself reflect that it is *mala fide* and has been made with oblique purpose of harassing the present Petitioners. In fact, no offence under Sections 74/76/79 read with Sections 3(5) BNS has been made out. There is no assertion in the Complaint that there was *any intention* as contemplated under Section 74 BNS on the part of the Petitioners.

6. Reliance is placed on State of Punjab vs. Major Singh, (AIR 1967 SC 63), wherein it was observed that where a woman is subjected to assault or use of criminal force, the acts have to be done *intending to outrage or knowing it to be likely that the accused will thereby outrage the modesty of the woman*.

7. The allegations made *are vague and uncertain*. No averment in the Complaint discloses the offences under which the FIR has been registered. The culpable intention to outrage the woman's modesty is the crux of the matter. The reaction of the woman is very relevant, but its absence is not always decisive. There is no abstract concept of modesty that can apply in all cases.

8. Though, the incident was of 14.10.2024, the FIR was registered on the next day, i.e. 15.10.2024. There is *unexplained delay of one day*, which creates doubt about the entire incident.



9. These essential ingredients are missing in the present Complaint. Petitioner Nos.2, 3 and 5 do not even reside at the address mentioned by Respondent No.2 and they were not even present at the place of alleged incident. *Prayer is therefore, made that FIR may be quashed.*

10. Reliance is placed on State of Haryana vs. Bhajan Lal, (1992 Supp (1) SCC 335), wherein it was observed that extraordinary power under Section 482 Cr.P.C. may be used in certain categories of cases, in order to prevent abuse of process of law and in the interest of justice.

11. **Status Report has been filed on behalf of the State**, wherein it has been indicated that present FIR was registered on the Complaint of Respondent No.2. Investigations were done and the site plan was prepared. Complainant presented her *Kurta*, which she was wearing and was torn from the chest, which was seized *vide* Seizure Memo. Her statement under Section 180 BNSS, was recorded.

12. Thereafter, all the Petitioners came to Police Station Mayur Vihar and they were bound under Section 35(3) BNSS and Interrogation Report was prepared. The statement of the Victim was recorded under Section 183 BNSS on 21.10.2024, wherein she supported the averments made in her Complaint. The doctor, in the MLC, opined the nature of injuries to be simple.

13. The Chargesheet has already been filed in the Court and the matter is pending at the stage of framing of charges.

14. **Learned counsel for Respondent No.2 / Complainant** has submitted that the Complaint is well-detailed and supports the allegations of



the Complainant's modesty being outraged and she along with her family members, being assaulted.

15. The correctness / truthfulness of the assertions cannot be tested in the present Writ Petition. The matter is already pending at the stage of arguments on Charges and these contentions can very well be taken before the learned Trial Court.

Submissions heard and record perused.

16. Complainant / Respondent No.2 in her Complaint dated 15.10.2024 had explained in great detail that how she was being harassed by Petitioner No.1 Mithun Kumar and his wife Petitioner No.4 Hemalata for the last one year. She detailed that on 14.10.2024, when she came to stand outside her house, all the Petitioners were present and she was abused in the sexist language by Petitioner No.4 Hemalata.

17. Petitioner No.1 Mithun Kumar was in a habit of standing near the *Jali* (lattice) in his underpants and used to abuse her in sexist language. Other Petitioners also used similar language and threatened her to come down from her house. They also misbehaved with her sister, who had joined her and touched her in an appropriate way, on her chest. They also tore the *suit* of Complainant / Respondent No.2. She tried to free herself, but Petitioners continued to misbehave and assault her and tear her clothes. It has been explained by her in detail, how she and her family members had been threatened and the manner in which the inappropriate language was used against her and her sister.



18. In the Complaint, specific allegations of assault, threat and outraging the modesty of the Complainant / Respondent No.2 as well as use of language, which is offensive to a woman, have been made.

19. **Quashing of FIR** has been sought on the ground that FIR has been registered on the next day and therefore, there is *delay of one day*. However, it cannot be overlooked that MLCs of the Complainant / Respondent No.2 and injured, were prepared on the day of incident, i.e. 14.10.2024, which corroborates the assertions made in the Complaint. *The delay is required to be explained during the trial and this cannot be taken as a ground for quashing of FIR.*

20. Petitioners have asserted that prosecution has relied on 10 prosecution witnesses, but *they all are interested witnesses and no independent / public witness has been cited as a witness*. This contention is already fallacious as in the incidents like the present one, it would essentially be the victims or their family members, who are present at the time of incident, who would be the natural / interested witnesses.

21. Credibility of their statements is subject matter of trial and at the outset, their statements cannot be disbelieved on the specious ground of them being family members. It is well-settled law that the family members cannot be discarded at the outset, by labeling them as interest witnesses.

22. Petitioners have further contended that *there is no CCTV recording of the incident and there is no recovery of weapon on offence*. Merely because there is *no CCTV footage* available, would not discredit the happening of the incident, which has been narrated in detail by the Complainant / Respondent



No.2 and supported by other witnesses. The ocular evidence cannot be overlooked at this stage.

23. The *recovery of weapon* is not mandatory to establish the injuries that may have been caused. In any case, the injuries caused as simple in nature and even if the averment of they being beaten and slap are sufficient to bring home the offence under Section 115(2) BNS.

24. None of the grounds agitated by the Petitioners, merit the quashing of FIR. All the contentions raised as subject matter of trial and the same be raised before the learned Trial Court at the appropriate stage.

25. There is no merit in the present Petition, which is hereby, **dismissed** along with pending Applications.

(NEENA BANSAL KRISHNA)
JUDGE

DECEMBER 15, 2025/R