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

\+ CRL.M.C. 7147/2025, CRL.M.A. 30027/2025

RAJ KUMAR AND ANR

.....Petitioner

Through: Mr. Surender Gupta Adv, Mr. Rahul Ranjan Adv, Mr. Deepak Rana Adv

versus

THE STATE NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State with SI Deepak Mahla P.S. Neb Sarai.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **09.10.2025**

CRL.M.A. 30028/2025 (*Seeking Exemption*)

1. Allowed, subject to just exceptions.

2. The Application stands disposed of.

CRL.M.C. 7147/2025

3. A Petition under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 read with Section 515 BNSS has been filed on behalf of the Petitioners for quashing of criminal proceedings against the Petitioners in case FIR No.612/2017 dated 06.12.2017 under Section 33/58 of Delhi Excise Act registered at Police Station Neb Sarai, New Delhi.

4. It is submitted that the FIR was registered on 06.12.2017 and the Petitioners were arrested on the same day. They were innocent driver and

helper and were not aware of the contents of the cartons which they were having in the vehicle. It is further submitted that the Chargesheet has been filed by the I.O on 27.10.2022 and the cognizance taken by the learned MM on 08.12.2022. It is submitted that the offence under Section 33 Delhi Excise Act is punishable not less than six months but which may extend to three years. The Chargesheet had been filed after a period of five years and was blatantly barred by limitation. No Application for Condonation of Delay had been filed on behalf of the Prosecution as is evident from the Order dated 08.12.2022 vide which the cognizance was taken. There is no mention of there being any Application for Condonation of Delay. Moreover, while taking cognizance this aspect of the Chargesheet being barred by limitation has also not been considered by the learned M.M there by making the Order of cognizance bad in law. It is, therefore, submitted that the FIR along with all the proceedings emanating therefrom may be quashed.

5. Learned APP submits that the FIR had been registered within a period of three months and the limitation must be reckoned from the date of registration of FIR and not from the date of filing of the Chargesheet. It is submitted that there is no error in the Order dated 08.12.2022 vide which the cognizance has been taken.

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

7. The quashing of the present FIR has been sought on the ground that the cognizance has been taken beyond the period of limitation.

8. Section 180 BNS (468 IPC) provides that for the offences punishable up to three years, the limitation is three years.

9. In the present case, the Chargesheet has been filed after five years and

the cognizance taken thereafter which is blatantly barred by limitation. In the aforesaid circumstances, the FIR No.612/2017 dated 06.12.2017 under Section 33/58 of Delhi Excise Act registered at Police Station Neb Sarai, New Delhi and the consequential proceedings are hereby quashed.

10. The Petition is allowed and stands disposed of along with the pending Application(s).

NEENA BANSAL KRISHNA, J

OCTOBER 9, 2025/va