



\$~72 (25.11.2025)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3882/2025 & CRL.M.A. 35057/2025,**
CRL.M.A. 35058/2025

SAMEER BHATI

.....Petitioner

Through: Mr. Kapil Lalwani and Ms.
Neha Sehrawat, Advs.

versus

STATE GOVT NCT OF DELHI

.....Respondent

Through: Mr. Rahul Tyagi, ASC for
the State with Mr. Sangeet
Sibou, Mr. Shubham Goyal,
Mr. Priyansh Raj Singh
Senger and Mr. Aniket Kr.
Singh, Advs. with SI Anil
Tewatia and ASI Hari
Prasad (Security), PS Tilak
Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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26.11.2025

1. Due to declaration of holiday on 25.11.2025 on account of 350th anniversary of *Guru Teg Bahadur Ji's Martyrdom Day*, the matter is taken up for hearing today.
2. By the present petition, the petitioner seeks quashing of FIR No. 427/2020 dated 07.06.2020, registered at Police Station Tilak Nagar, for offences punishable under Section 188 of the Indian Penal Code, 1860, including all consequential proceedings arising therefrom.
3. Briefly stated, the FIR was registered alleging that Petitioner/Director of Star Imaging and Path Lab Pvt. Ltd. Delhi has violated directions dated 18.05.2020 issued by ICMR and GNCT of Delhi dated 06.05.2020 and subsequent corrigendum dated 07.05.2020 with regard to testing protocol. It was further



alleged that the Lab has failed to provide any valid reason for the breach of Testing Protocol as ordered by ICMR and is thus, found to in clear violation of the directions issued by ICMR Testing Strategy and Delhi Govt. Guidelines. Hence, the present FIR was registered against the Petitioner.

4. It emerges from the FIR that certain directions were issued by ICMR and GNCTD in regard to certain protocols to be followed by the pathological labs while conducting COVID test of the patients.

5. As per the Show Cause Notice dated 01.06.2020 issued in that regard, it is alleged that as per the data submitted on the ICMR portal by Star Imaging and Path Lab Pvt. Ltd., large number of asymptomatic patients were tested without following ICMR testing protocol on 30.05.2020 and 31.05.2020. Significantly, the same lacks any specific details about which protocol has not been followed and which protocol was violated.

6. Further, even a perusal of the chargesheet as well as the FIR indicates that nothing has been specified in regard which exact protocol the petitioner failed to follow and what procedure was violated.

7. Even though the protocol which is not followed is not been specified clearly either in the Show Cause Notice or in the FIR or the chargesheet, it appears from the material placed on record that violation was in respect of filling certain details of the patients, who were tested by the petitioner's lab.

8. Concededly, the FIR was registered way back in the year 2020 during the onset of COVID-19 and the allegation made against the petitioner has lost its significance at this stage.



9. Pertinently, the Chargesheet was filed way back on 01.04.2021, however, at this stage, it is informed that even charges are yet to be framed.

10. In view of the above, without going into the facts as to whether any offence was committed, this Court deems to appropriate to exercise powers under Section 482 of the Code of Criminal Procedure, 1973 to avoid any unnecessary abuse of the process of Court and put to rest the dispute.

11. However, keeping in mind the fact that the charge sheet has already been filed in the case arising out of the present FIR, and the State machinery has been put to motion, ends of justice would be served if the petitioner is put to cost.

12. In view of the above, FIR No. 427/2020 and all consequential proceedings arising therefrom are quashed, subject to payment of total cost of ₹50,000/- by the petitioner, out of which ₹20,000/- is to be deposited with the Bar Council of Delhi, ₹15,000/- is to be deposited with the Delhi Police Martyrs' Fund and ₹15,000/- is to be deposited with Arya Kanya Sadan, 1488 Pataudi House, Daryaganj, New Delhi for the benefit of destitute girls, within a period of six weeks from date.

13. Proof of deposit of cost shall be furnished to the concerned SHO.

14. The petition is allowed in aforesaid terms.

AMIT MAHAJAN, J

NOVEMBER 26, 2025 / 'KDK'