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

+ **W.P.(CRL) 4004/2025, CRL.M.A. 35997/2025 & CRL.M.A. 35998/2025**

SUNIL CHAUDHARY

.....Petitioner

Through: Dr. M.K. Gahlaut, Adv.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Sanjay Lao, SC for the State

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **03.12.2025**

1. The present petition is filed under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for quashing of FIR No. 628/2025 dated 02.11.2025 under Section 74/75 of the Bhartiya Nyaya Sanhita, 2023 ('BNS') registered at Police Station Fatehpur Beri, New Delhi and consequential proceedings emanating therefrom.

2. Briefly stated, the present FIR was registered pursuant to a complaint made by the victim. It is alleged that the victim had given a contract to the petitioner for constructing 2 ½ floors of her house. It is alleged that the petitioner would harass and try to molest the victim. It is alleged that the petitioner would enter the kitchen of the victim and touch her while talking about obscene things. It is alleged that the petitioner even entered the bedroom of the victim on several occasions. It is alleged that the petitioner, a few days before the complaint was made, grabbed the hand of the victim while she was alone.

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3. The learned counsel for the petitioner submits that the petitioner had sent a legal notice dated 09.10.2025 to the victim claiming an amount of ₹12,20,000/- as dues for the construction work of the victim's house. He submits that the victim with dishonest and fraudulent intention and with the sole intention to escape her liability has filed a false complaint against the petitioner.

4. He submits that the present FIR has been lodged against the petitioner solely for the purpose of creating pressure upon him, so that he does not claim his lawful dues from the victim.

5. He submits that vague allegations have been levelled by the victim in the present case and the same do not constitute the ingredients of the offences under Sections 74/75 of the BNS.

6. *Ex facie*, the arguments raised on behalf of the petitioner are in the nature of defence and cannot be gone into by the Court at the initial stage while exercising its inherent power under Section 528 of the BNS. Moreover, the FIR was only registered on 02.11.2025 and it is stated that the chargesheet is yet to be filed in the present case.

7. Undisputedly, the police will investigate all aspects of the present matter, including the contentions of the petitioner, and file an appropriate report.

8. While there is no blanket embargo against exercise of inherent jurisdiction to quash an FIR if the investigation is at a nascent stage, in the opinion of this Court, the present FIR cannot be quashed at this juncture on the contested grounds, which are essentially in the nature of the defence, and would require investigation.



9. This Court, in such circumstances, does not consider it apposite to entertain the present petition at this stage.

10. Needless to say, the petitioner is at liberty to pursue his remedies after the investigation is complete and to agitate all arguments before the learned Trial Court at an appropriate stage.

11. The present petition is dismissed in the aforesaid terms. Pending application also stands disposed of.

AMIT MAHAJAN, J

DECEMBER 3, 2025
“SS”