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

% ***Reserved on: 23rd September, 2025***

Pronounced on: 18th November, 2025

\+ **CRL.M.C. 1747/2018, CRL.M.A. 6267/2018**

PUNEET KAPOOR
S/o Shri K.K. Kapoor
R/o 6/55, Subhash Nagar,
New Delhi. .....Petitioners
Through: Mr. Anand, Adv.

versus

1. **THE STATE**
(Govt. of NCT of Delhi)

2. **SMT. MADHU ARORA**
W/o Shri Praveen Arora
R/o H.No.B-652, Sector-1,
Avantika, Rohini, Delhi. .....Respondents
Through: Mr. Ajay Vikram Singh, APP for State with Inspector Pushpendra.
Mr. Pramod Bahuguna, Mr. Anurag Jain and Ms. Yachi. Advs. for R-2.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. Petition has been filed under Section 482 of the Code of Criminal Procedure (*hereinafter referred to as "Cr.P.C."*) on behalf of the **Petitioner/Puneet Kapoor** challenging the **Order dated 08.09.2017** of Ld. ASJ-03, Delhi in Criminal Revision Petition No. 141/2017 filed by the Petitioner, **upholding the** summoning Order dated 17.01.2017 by the Ld.

M.M. (Mahila Court) NW, Delhi in FIR No. 47/2014, P.S. Rani Bagh whereby Cognizance of the offence was taken and summons issued to accused persons/Petitioner.

2. The FIR No. 47/2014 was registered under **Section 506/509 of the Indian Penal Code, 1860** *(hereinafter referred to as "IPC")* and **Section 67 of the Information Technology Act, 2000** *(hereinafter referred to as "IT Act")* on 17.01.2014 at P.S. Rani Bagh. Section 354 IPC was added in the FIR consequently.

3. ***Briefly stated,*** the *Complainant/Respondent No. 2, i.e. Ms. Madhu Arora* in her complaint dated 30.12.2013 has submitted that she has been working for nearly eight years with *M/s Bluestar Infotech Pvt. Ltd.* She was allotted a separate chamber therein, from where she performed her duties. The Petitioner/Puneet Kapoor was the person-in-charge at her workplace. He would occasionally pass personal comments on how she would dress and what she would wear. She submitted that his comments were unacceptable and unwarranted.

4. Complainant/Respondent No. 2 further submitted that on occasions, he would touch parts of her dress. However, since the Petitioner was the son of Ms. Neeru Kapoor, Director of the Company, she would overlook his actions. Moreover, due to the fear of losing her job and self-repute, she never complained regarding the Petitioner's actions to any other person.

5. Complainant further submitted that after 15.08.2011, due to the separation of business, the Company went to one Mr. Shyam Sunder Talwar, who is the director in *M/s Blue Star Infotech Pvt. Ltd.*

6. On 11.10.2013, the Complainant received a call from Mr. Shyam Sunder Talwar to provide him with some vital documents at the Rohini

Courts Complex. While the Complainant was waiting outside the Court Complex, *one Mr. Gulshan Kapoor*, *the uncle of the Petitioner*, came near her and virtually threatened her by saying that the Petitioner was in the possession of a number of her *blue films* and warned her of dire consequences if she did not make Mr. Shyam Sundar Talwar withdraw all of his Complaints and FIRs, which had been filed by him against the Petitioner's mother, Ms. Neeru Kapoor, and her family. The Complainant was shell shocked and devastated with the warning received from Mr. Gulshan Kapoor.

7. It is submitted that she became depressed, and was not even aware how she reached home. Further, she asserted that she was unable to attend office. When she finally collected herself, she decided to approach the police.

8. The Complainant was informed by Mr. Shyam Sundar Talwar that he had received a similar type of warning on the telephone from Mr. Gulshan Kapoor. Mr. Shyam Sundar Talwar further informed the Complainant that the Petitioner had shown some recordings to Mr. Talwar's younger brother on the laptop, which the Petitioner had been carrying with him. The Petitioner had mentioned that he had more than thirty such porn recordings of the Complainant, which had been made at the Pitampura office of the Company. The Complainant was informed that the Petitioner had even used expletives to describe her.

9. The Complainant after thoughtful circumspection, concluded that the Petitioner had installed some kind of a secret camera in her chamber during the period when he was her boss. She claimed that through the said camera and his managed persons, he had illegally shot the recordings of the

Petitioner, thereby breaching her confidentiality and privacy without her consent. She submitted that it was beyond her imagination that the Petitioner would go to such extent and indulge in making illicit recordings while she was working under him. Further, the Petitioner had secretly transmitted the said electronic data on his laptop and tried to share it with others. She further submitted that he had also made CDs of the said illicit recordings.

10. The Complainant submitted that the Petitioner and his uncle, Mr. Gulshan Kapoor had openly warned her that they would make the said recordings and tarnish the Complainant's hard-earned image, and harm her reputation. She submitted that she and her family would have to suffer for the actions of the Petitioner and his uncle.

11. The Complainant has further submitted that under the IT Act, even a person who is authorised by law to secure access to any electronic record, book, register, correspondence, information, document or other material, *cannot without the consent of the person concerned*, disclose such electronic record, book, register, correspondence, information, document or other material, to any other person.

12. She submitted that in the present scenario, the Petitioner and his perpetrators were not authorised by law to make her recording or keep surveillance or watch or capture her image whether still or video engaging in private act, in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator. This was more so as in her closed chamber, she reasonably expected to be provided with privacy and she indulged in acts that are not of a kind ordinarily done in public. In any case, the said persons had no legal, moral, or ethical right to record her activities and transmit or

disseminate to a third person. Said persons had no authority for issuing threats to her for the purpose of extortion by warning her that they would make the said recordings public, thereby subjecting her to sexual harassment.

13. The Complainant submitted that this was not the first time that these persons had tried to intrude into her privacy and run her video recordings. The Petitioner, along with one Mr. K.K. Kapoor and Mr. Dheeraj Kapoor, had tried to play her video at the Company Law Board in the year prior to filing of the Complaint. The Complainant had filed a separate formal Complaint against Mrs. Neeru Kapoor sometime during May 2013, at EOW.

14. The Complainant has submitted that Mr. Puneet Kapoor, i.e. the Petitioner and his accomplices, which include his uncle Mr. Gulshan Kapoor, Smt. Neeru Kapoor, Mr. K.K. Kapoor and Mr. Dheeraj Kapoor were responsible for their acts of illicitly recordings of the Complainant, transmitting them onto a laptop, showing the recordings to other persons without the Complainant's knowledge or consent and thereafter, threatening to make public the said recordings has caused the Complainant a breach in her peace of mind.

15. The FIR No. 47/2014, P.S. Rani Bagh was registered and after investigations, the Charge Sheet was filed under **Section 354/509 of the Indian Penal Code, 1860** *(hereinafter referred to as "IPC")* and **Section 67 of the Information Technology Act, 2000,** against the Petitioner in the Court on 16.01.2017. The Cognizance of the offence was taken and summons were directed to be issued to accused person/Petitioner, *vide* Order dated 17.01.2017.

16. The Petitioner got the information regarding this case on receiving the copy of the summons on 22.05.2017. Thereafter, the Petitioner appeared before the Ld. MM on 23.05.2017 and was granted bail.

17. The Petitioner preferred a *Criminal Revision Petition No. 141/2017* before learned ASJ Delhi, against the Order dated 17.01.2017 of the learned M.M. since the cognizance was taken beyond the period of limitation. **The Revision Petition was dismissed** and the summoning Order was upheld *vide* **Order dated 08.09.2017**. Aggrieved by the Summoning Order, present petition has been filed.

18. The Petitioner has sought the setting aside/quashing of the Order dated **08.09.2017** and criminal proceedings emanating from the FIR No. 47 of 2014, on the **ground** that the impugned Order is bad in law and facts and is liable to be set aside, since the Ld. MM had taken cognizance of the offences, ***which is hopelessly barred by limitation***. The Prosecution had failed to explain the delay, and in a routine manner stated that the files had gone through administrative process, which cannot be a ground for condoning delay.

19. Reliance has been placed on the case of *Office of the Chief Post Master General & Ors. v. Living Media India Ltd. & Anr.* wherein it has been held that the delay in administrative process, cannot be a ground for condoning the delay.

20. The Petitioner has submitted that there is an absolute bar under Section 468 Cr.P.C. whereby cognizance of an offence cannot be taken after the expiry of the prescribed period of limitation. *The period of limitation for taking cognizance for the offence under Section 354 IPC, is three years*. As per the Complaint, the incident took place in 2011, while the Cognizance has

been taken on 17.01.2017, and cognizance for this offence is hopelessly barred by limitation. *The Petitioner submits that the Ld. ASJ has wrongly condoned the delay.*

21. The Petitioner further submits that the Ld. ASJ has attributed the delay on the part of the Investigating Agency, and not to the Prosecution. However, the Prosecution is a part of the Investigating Agency and it cannot be segregated merely for the sake of condoning the delay. If there is a delay in the filing of Chargesheet and taking Cognizance, the advantage has to be given to the accused for such delay.

22. Furthermore, Section 473 Cr.P.C. clearly states that the delay in taking Cognizance may be condoned by the Ld. MM, if he is satisfied on facts and circumstances, that the delay has been properly explained. *However, no Application for condonation of delay was filed.*

23. The Petitioner further submits that the present Complaint has been filed with *mala fide* and malicious intent on the behest of one Mr. Shyam Sunder Talwar, against whom the mother of the Petitioner has already lodged FIR No. 08/2014 before EOW, wherein the Complainant, i.e. Ms. Madhu Arora is a co-accused. Mr. Shyam Sunder Talwar has already been arrested in the said case. The present Complaint has been filed as a *vengeance and counterblast*, and hence, the delay ought not to have been condoned in the interest of justice.

24. The Petitioner has submitted that the Ld. ASJ has endorsed the Order of the Ld. M.M. without considering the fact that the there was no Application for condonation of delay.

25. The Petitioner has further submitted that on the bare perusal of the FIR, it can be made out that there was nothing but a rambling piece of

quarrel and a concocted story. The allegations in the FIR are in no way sufficient for framing of charges against the Petitioner. Further, there is no material evidence on record to prosecute the Petitioner. In this regard, the Petitioner has placed reliance on the case of *P. Vijayan v. State of Kerala*.

26. The Petitioner submits that the Complainant, who is a mature woman aged 36 years, was silent for three years, however, as soon as disputes arose between Mr. Shyam Sunder Talwar and the Petitioner's mother, and the Petitioner's mother filed a Complaint before EOW against Mr. Shyam Sunder Talwar and the Petitioner, the Complainant also filed a false complaint against the Petitioner before P.S. Rani Bagh. It *all* clearly shows that she is misusing the process of law for an unfair advantage.

27. *Hence, the present Petition be allowed and the Order of Ld. ASJ dated 08.09.2017 upholding the Order of MM dated 17.01.2017 taking cognizance on the Chargesheet be set aside.*

28. The **Complainant/Respondent No.2** in her **Reply to the Petition** has denied the averments made by the Petitioner.

29. It is submitted that this Petition filed by the Complainant is a second Revision Petition filed under the guise of Section 482 Cr.P.C., and is not maintainable under the law.

30. The Petitioner connived with the police and has delayed the filing of the Chargesheet and is not entitled for any relief.

31. The Complainant has submitted that with regard to the issue of delay, there is no limitation under Section 354 IPC for filing a Complaint since the fear of loss of reputation in the society would always be in her mind. In the present case, the Complainant had filed the Complaint on 30.12.2013. Delay,

if any, was on the part of the police, in filing the Chargesheet in collusion with the Petitioner, on 16.01.2017.

32. As per Section 473 Cr.P.C., the Court has the power to condone the delay in the interest of justice, even if the Application for condonation of delay has not been filed. The Complainant has relied on the case of *Ramesh & Ors. v. State of Tamil Nadu*, Appeal (Crl.) 372/2025 wherein the Apex Court has held that the Prosecution cannot be nullified at the very threshold on the ground that the prescribed period of limitation, had expired.

33. *Hence, the Petition is liable to be dismissed with heavy costs.*

Submissions heard and record perused.

34. According to the Complainant's allegations in her Complaint which led to the registration of the present FIR No. 141/2017, the accused/Puneet Kapoor *(the Petitioner herein)* made illegal video recordings on 15.08.2011 without her knowledge and also inappropriately touched her, thereby outraging her modesty.

35. The Complainant claims she *first came to know about these recordings on 11.10.2013,* when the accused threatened to make the videos public and demanded undue favours. She filed a Complaint with P.S. Rani Bagh on 30.12.2013, which was 81 days after discovering the videos. FIR No. 47/2014 was registered on 17.01.2014 under Section 67 IT Act and Sections 354/509 IPC. The Chargesheet ***was filed on 16.01.2017*** under Sections 354/506/509 IPC and Section 67 IT Act, and Cognizance was taken on 17.01.2017.

36. At the outset, a preliminary objection has been taken by the Respondent that the present Petition is a second Revision Petition filed under the guise of Section 482 Cr.P.C. The Petition herein, has been filed under

S.482 Cr.P.C. In the case of *Raj Kapoor v. State* (1980) 1 SCC 43, the scope of S.482 Cr. P.C. has been examined, and it has been held that "*In short, there is no total ban on the exercise of inherent power where abuse of the process of the court or other extraordinary situation excites the court's jurisdiction. The limitation is self-restraint, nothing more.*"

37. Therefore, it cannot be held that the petition itself is not maintainable. The inherent powers under S.482 Cr.P.C. can always be invoked to meet the ends of justice.

Whether the Cognizance was barred by Limitation:

38. The Complaint was filed by the Complainant on 30.12.2013 and the FIR was registered on 17.01.2014, against the Respondent for having allegedly prepared the vulgar videos of her on 15.08.2011, without her knowledge. The Complainant asserts that she came to know about these acts only on 11.10.2013 and there was no delay on her part in reporting the crime.

39. At the outset, it is pertinent to refer to **Section 468 Cr.P.C**. which provides for Limitation. Relevant part of this Section reads as under:

> ***"468. Bar to taking cognizance after lapse of the period of limitation.***—*(1) Except as otherwise provided elsewhere in this Code, no Court shall take cognizance of an offence of the category specified in sub-section (2), after the expiry of the period of limitation.*
> *(2) The period of limitation shall be—*
> *(a) six months, if the offence is punishable with fine only;*
> *(b) one year, if the offence is punishable with imprisonment for a term not exceeding one year;*
> *(c)* ***three years****, if the offence is punishable* ***with imprisonment for a term exceeding one year but not exceeding three years.***
> *1[(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried*

> *together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment.]"*

40. The period of limitation for the offence punishable with imprisonment upto three years, is three years.

41. In the case of *State of H.P. vs. Tara Dutt*, (2000) 1 SCC 230 the Apex Court observed that the language of sub-section (3) of Section 468 CrPC makes it imperative that the limitation provided for taking cognizance in Section 468 is *in respect of the offence charged* and not in respect of offence finally proved.

42. ***What is significant for the purpose of calculating the limitation is not the offences under which the FIR is registered, but the offences under which the Charge-Sheet is filed.***

43. A reference is now made to Section 469 Cr.P.C., which reads as under:

> "***469. Commencement of the period of limitation.***—
> *(1) The period of limitation, in relation to an offender, shall commence—*
> *(a) on the date of the offence; or*
> *(b) where the commission of the offence was not known to the person aggrieved by the offence or to any police officer,* ***the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier; or***
> *(c) where it is not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the police officer making investigation into the offence, whichever is earlier.*
> *(2) In computing the said period, the day from which such period is to be computed shall be excluded.*"

44. Thus, **Section 469 Cr.P.C.** elaborates the commencement of the period of limitation, which begins either from the date of the offence or from the date it first comes to the knowledge of the aggrieved person or the police officer, whichever is earlier.

45. In *Sarah Mathew vs. Inst., Cardio Vascular Diseases & Ors*., 2014 (1) SCC 721, it has been observed:

> "*Section 469 states when the period of limitation commences. **It is dexterously drafted so as to prevent advantage of bar of limitation being taken by the accused**. It states that period of limitation in relation to an offence shall commence **either from the date of offence or from the date when the offence is detected**.*"

46. As per the Complainant, she came to know about the commission of offence on 11.10.2013, while the FIR was registered on 17.01.2014. As per Section 469 Cr.P.C., the date for reckoning the limitation is when the offence came to the knowledge of the Complainant or the Police, whichever is earlier. In the facts in hand, the material date for reckoning the limitation is three years. The Charge sheet was filed on 16.01.2017, which is evidently barred by Limitation.

47. **Applying the aforesaid principles, in the present case,** the Chargesheet against the Petitioner had been filed under Sections 354/509 IPC and Section 67 IT Act, for which the punishment would be imprisonment which may extend to 3 years and fine which may extend to Rs. 5 lacs. ***As such, in terms of Section 468(2)(c) and Section 468(3) Cr.P.C., the prescribed period of limitation for taking Cognizance in this case would be three years.***

48. Further, as per Section 469(2) Cr.P.C., the date of reckoning is not the date of commission of offence, but the date on which it came to the knowledge of such person. The Petitioner had allegedly made illegal video recordings/ blue films of the Complainant using secret cameras around 15.08.2011. However, this **became known to the Complainant only on 11.10.2013** and she ***filed the Complaint on 30.12.2013, the 81st day of the detection of crime. The Chargesheet has been filed on 16.01.2017 which is about three months beyond the period as prescribed under Section 468 Cr.P.C.***

49. The **next question,** which arises, is ***whether such delay has been condoned by the learned Trial Court while taking cognizance of the offence*.**

50. S.473 Cr.P.C. provides for the extension of period of limitation in certain cases. It reads as under:

> "***473. Extension of period of limitation in certain cases.—*** *Notwithstanding anything contained in the foregoing provisions of this Chapter, any Court may take cognizance of an offence after the expiry of the period of limitation, if it is satisfied on the facts and in the circumstances of the case that the delay has been properly explained or that it is necessary so to do in the interests of justice.*"

51. Section 473 Cr.P.C. thus, provides for *twin test* for condonation of Delay and taking cognizance after the expiry of the period of limitation; ***firstly***, the satisfaction on the facts and in the circumstances of the case that

the *delay has been properly explained* and ***secondly***, that it is necessary to condone the delay, *in the interest of justice*.

52. It is not in dispute that no Application was filed for condonation of delay along with Chargesheet. Learned MM while taking cognizance, did not consider this aspect of the Chargesheet being filed beyond the period of limitation. It cannot be overlooked that where the Chargesheet is filed beyond the period of limitation, a valuable right accrues in favour of the accused, who is entitled to be heard before any condonation of delay is permitted. In *State (Delhi Administration) vs. Anil Puri*, 1979 SCC OnLine Del 124, it has been held:

> "***9.*** *Once a limitation is barred in favour of a person he acquires a valuable-right. ….Whenever the plea of limitation is raised it is for the parties to show whether proceedings are barred by limitation or not. Where cognizance is ex facie barred by limitation and the prosecution wishes to explain the delay to the satisfaction of the court the accused has a right to be heard. And in those cases where the court finds it necessary to take cognizance in the interests of justice it is but just and proper that the accused is heard before such a decision is arrived at. It is needless to add that wherever the court comes to the conclusion under section 473 that the delay has been properly explained or that it is necessary to take cognizance in the interests of justice, the court must pass a speaking order. The order should indicate that the court taking cognizance has applied its mind to reach the conclusion. Order taking cognizance of an offence where the cognizance is barred by limitation without giving an opportunity to the accused and without passing any speaking order, must be struck down and it cannot be deemed that the trial court had exercised its powers under section 473. After all it may happen that a court might take cognizance of an offence without applying its mind to the question whether the limitation has run in favour of the accused, and when this*

> *happens the accused has a right to raise the plea of limitation to convince the Court that limitation bars the cognizance. It is the duty of the Court at that stage to decide this question.*"

53. In the present case, there was no such hearing held in considering condonation of delay or in giving notice to the accused on this aspect. **The cognizance taken on 17.01.2017 is bad in law, being barred by Limitation.**

54. It would be relevant to refer to the case of *Vanka Radhamanohari vs. Vanka Vankata Reddy and Ors.*, (1993) 3 SCC 4, the Apex Court noted the basic difference between Section 5 of the Limitation Act and Section 473 Cr.P.C. and observed that in order to exercise the power under Section 5 of the Limitation Act***, the onus is on the Applicant to satisfy the Court that there was sufficient cause for condonation of delay***, whereas Section 473 enjoins a duty on the Court to examine not only whether such delay has been explained, but as to ***whether it is the requirement of justice to ignore such delay***.

55. Even though there has been no condonation of delay, but even then it needs examination whether there exist circumstances justifying condonation of delay. The first glaring aspect is the timing of filing the Complaint.

56. According to her Complaint dated 30.12.2013, the Complainant had been working in the Company namely M/s Bluestar Infotech Pvt. Ltd. of which Petitioner Puneet Kapoor was person in-charge. She stated that he intentionally used to pass personal comments on how she should dress or what she wore, which was unacceptable and unwarranted. Many a times, he even touched the parts of her clothes, but she overlooked the same, as he was the son of Ms. Neeru Kapoor (Director of Company). She made various

complaints to Ms. Neeru Kapoor, but Mrs. Neeru Kapoor ignored them. Out of fear of losing job and self-repute, she never made complaint to any person.

57. Due to separation of business on 15.08.2011, Company went in the hands of Shyam Sunder Talwar (other Director), who is her current employer. Thereafter, on 11.10.2013, while she was standing outside the Rohini Court, aside from being threatened, Gulshan Kapoor (Petitioner's uncle) warned her that Petitioner had many blue films of her, which he would make public in case she did not compel her employer Shyam Sunder Talwar to withdraw the Complaints. Shyam Sunder Talwar reaffirmed that Petitioner Puneet Kapoor had disclosed similar information and had even shown some recordings to his younger brother, on his laptop.

58. Complainant pondered over the issue and concluded that Petitioner Puneet Kapoor had installed some secret camera in her chamber while he was boss and had illegally prepared her recordings, thereby breaching into her confidentiality and privacy without her consent and approval.

59. Pertinently, the allegations in the Complaint are *firstly* conjectural, alleged to have been conveyed to her by third person and not by the Petitioner himself. *Secondly,* it is alleged that some 30 blue films had prepared, but despite this, there is nothing to show that there is any such film in existence and are not seen by her.

60. Furthermore, according to the Petitioner, these blue films were prepared by installing secretly a CCTV Camera in her chamber, while she was in the Company. It is intriguing how pornographic/Blue videos of the Complainant would get prepared, while she was alone in her chamber in the Company. Clearly, it is, on the face of it, an assertions made which has no

basis, but is only intended to involve the Petitioner on account of business rivalry between him and Shyam Sunder Talwar, to whom the company has presently gone and in which the Complainant is an employee currently.

61. In *Mahmood Ali & Ors. vs. State of U.P. & Ors.*, 2023 INSC 684, it has been observed:

> "***12.*** *At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because* ***once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or***

not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. *Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.*"

62. It is evident that this Complaint, which is not only highly belated, but contains allegations, which, on the face of it, do not *prima facie* make out any case under Section 354 IPC.

63. In *State of Haryana & Ors. vs. Bhajan Lal*, 1990 SCR Supl. (3) 259, it has been observed that *if the allegations made in the FIR or Complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is a sufficient ground for proceeding against the Accused and where the criminal proceedings are manifestly attended with mala fide or a maliciously instituted with an*

ulterior motive for wreaking vengeance on the Accused due to private and personal grudge, the FIR is liable to be quashed.

64. Indisputably, after the split in the Company in which the Complainant was an employee, the Company went to Mr. Shyam Sunder Talwar and there is multiple litigation between him and Petitioner and the erstwhile Director. Though this Complaint was allegedly filed by the Complainant with the police on 30.12.2013, but it got fructified into the present FIR only on 17.01.2014, after the Complaint filed by Petitioner's mother against herself and Mr. Shyam Sunder Talwar (current employer of the Complainant). The circumstances establish that the Complaint has been filed as a *vengeance and counterblast* to the *inter se* disputes between her present and the former employer.

65. Even otherwise, the Complainant has failed to provide *a cogent explanation for the delay* in the filing of Complaint, which was an additional 81 days after becoming aware of the alleged *blue films*.

66. In the present case, considering the nature of allegations, *inter se* relation between the parties and multiple business ligations between the Petitioner and Shyam Sunder Talwar, it is not considered to be a case, where the interest of justice would be served if the of delay in filing the Chargesheet, is condoned.

67. Considering the totality of circumstances, it is observed that the Complaint was filed beyond the period of limitation and no Application for condonation of delay had been filed. The impugned Order dated 08.09.2017 by the learned ASJ upholding the Order dated 17.01.2017 of MM taking cognizance on the Chargesheetin FIR No. 47/2014, P.S. Rani Bagh, is set aside and **Chargesheet is quashed.**

68. Accordingly, the present Petition is disposed of. Pending Application(s), if any, are accordingly disposed of.

NEENA BANSAL KRISHNA
(JUDGE)

NOVEMBER 18, 2025/*R*