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

+ **CRL.M.C. 9135/2025, CRL.M.A. 38216/2025**

SHIV KUMAR SAXENA. & ANR.

.....Petitioners

Through: Ms. Sunita Arora, Adv. (DHCLSC).

versus

THE STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Utkarsh, APP for the State with
SI Naresh Kumar, PS: Dabri.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

22.12.2025

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1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioners for quashing of FIR No.0738/2022 under Sections 441/120B/34 IPC, registered at PS: Dabri, Dwarka, Delhi.
2. It is submitted that the FIR got registered in the year 2022, but the Chargesheet has not been filed till date. There is a Civil Suit No.369/2022, which is pending adjudication between the parties, which is purely civil in nature and there is no offence disclosed in the FIR.
3. It is further submitted that earlier CRL.M.C. 944/2023 was filed seeking quashing of present FIR No.0738/2022, which got dismissed by co-ordinate Bench of this Court vide Judgment dated 10.02.2023 by observing that "At this stage, as per law, this Court cannot throttle the proceedings or investigation, when the investigation has not yet been carried out completely."
4. Learned APP for the State appears on advance Notice and submits that



investigations are complete and the Chargesheet is likely to be filed within 15 days.

5. It is further submitted all the ground agitated in the Petition were considered in the earlier Petition, except the aspect of limitation, which can be very well adjudicated before the learned Trial Court. It is thus submitted that present Petition be dismissed.

Submissions heard and record perused.

6. Considering that the earlier Petition seeking quashing of present FIR No.0738/2022 has already been dismissed by co-ordinate Bench of this Court vide Judgment dated 10.02.2023 and present is the second Petition seeking quashing of same FIR on the same grounds, which has no merits.

7. Furthermore, as has rightly been pointed out, the issue of limitation is something to be considered by the learned Trial Court at the time of taking cognizance.

8. Petition, being without merits, is dismissed along with pending Applications.

NEENA BANSAL KRISHNA, J.

DECEMBER 22, 2025/R