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

+ **CRL.M.C. 9267/2025, CRL.M.A.38660/2025**

AKHILENDRA SINGH @ NITESH & ORS.Petitioners

Through: Mr. Yusuf, Mr. Jatin Sharma, Mr.
Aman Juyal, Advocates.

versus

STATE OF GOVT OF NCT OF DELHI & ORS.....Respondents

Through: Mr.Shoaib Haider, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **24.12.2025**

CRL.M.A. 38658/2025 (Exemption), CRL.M.A.38659/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The Applications stand disposed of.

CRL.M.C. 9267/2025

3. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the Petitioners for quashing of FIR No. 0005/2024 under Section 498A/406/34 of the Indian Penal Code, 1860 registered at Police Station Fatehpur Beri, Delhi and other consequential proceedings arising therefrom.
4. Essentially, the grounds taken are that the allegations made in the Complaint, are blatantly false. The Allegations have been made about demand of money, which is absolutely false. Also, she has made an allegation that one Mr. Abhishek Upadhyay entered the house and got her



hand and forced her with the intention to come and rape. It is further submitted that these allegations are blatantly false and an abuse of process of law, which have been filed to counter the D.V. Petition filed by the mother of the Petitioner and the Complaint Case filed by the Petitioner against the wife for theft. It is therefore, submitted that the present FIR along with the consequential proceedings be quashed.

5. Reliance has been placed on Achin Gupta vs. State of Haryana, SLP (Crl.) No. 4912/2022, decided by the Apex Court on 03.05.2024 wherein the scope of 482 has been explained and it is stated that there are three circumstances under which inherent jurisdiction may be exercised namely to give effect to an Order under the Court, to prevent abuse of process of law and to otherwise, secure the interest of justice. It was further observed that if the person is made to face a trial on some general and sweeping allegations, without giving on record any specific instances of criminal conduct, it is nothing but the abuse of process of the Court.

6. The learned APP for the State submits that the Charge Sheet has already been filed in the Court and is pending at the stage of Arguments on Charge. All the contentions raised in the Petition, are essentially bordering on the merits of the Case and the same can be contended at the time of Charge.

Submissions heard and the record perused.

7. There are specific allegations of attempted assault and also of demand. This is not the appropriate stage for the quashing of the FIR merely on the allegations of the Petitioner that the Complaint and the Charge-Sheet is *mala fide*. The Complaint made by the Complainant, has been duly investigated and after collection of sufficient evidence, the Charge-Sheet has



been filed and this stage, there is no ground for quashing of the FIR.

8. The Petitioners are at liberty to take all these contentions before the learned Trial Court, at the time of Arguments on Charge.

9. The Petition is disposed of accordingly. The pending Application, if any, also stands disposed of.

NEENA BANSAL KRISHNA, J

DECEMBER 24, 2025/RS