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

+ **W.P.(CRL) 1814/2026**

CA RAKESH KUMAR GUPTA

.....Petitioner

Through: Appearance not given.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari, ASC with Mr. Arijit Sharma and Ms. Sakshi Jha, Advocates.
SI Dhiraj Singh, PS Shalimar Bagh.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

% **01.07.2026**

CRL.M.A. 18351-18353/2026 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(CRL) 1814/2026

1. The instant petition is for the following reliefs:-

*“a) Issue an appropriate writ, order or direction in the nature of certiorari quashing FIR No. 189/2012 registered at PS Shalimar Bagh and all consequential proceedings arising therefrom;
b) Quash the charge-sheet dated 07.03.2017 as being barred by limitation under Section 468 CrPC and therefore without jurisdiction;
c) Declare the subsequent addition of Sections 506 & 387 IPC as illegal, void and non-est in law in absence of contemporaneous statutory compliance and documentary proof of lawful alteration;
d) Quash all proceedings pending before the Learned Trial Court being vitiated inter alia by:*



Statutory non-compliance under Sections 173 & 207 CrPC, Suppression and substitution of primary electronic evidence, Broken chain of custody, Inordinate delay violating Article 21, Abuse of process within the parameters laid down in State of Haryana v. Bhajan Lal;
e) *Declare that continuation of prosecution in the present facts constitutes violation of Articles 14 and 21 of the Constitution of India. It is further submitted that continuation of proceedings in the present case would amount to perpetuation of illegality and miscarriage of justice.*

TIER 2 – additional relief – when even if Quashing is Not Granted)
Independent Investigation into Tampering & Manipulation Without prejudice to the above, and in the alternative/ additional relief:

f) *Direct an independent investigation by an agency other than the Respondent Police into allegations of:*

- i. *Destruction, substitution and fabrication of electronic evidence,*
- ii. *Suppression of material documents including MLC,*
- iii. *Fabrication or ante-dating of Section 161 CrPC statements,*
- iv. *Illegal addition of penal sections to defeat limitation;*

g) *Direct preservation, sealing and forensic audit of:*

I. Original case diary,

II. Malkhana register,

III. CCTNS audit trail,

IV. Electronic media allegedly seized,

V. Monthly Crime Returns and alteration records, so as to prevent further tampering or destruction;

h) *Direct that if original electronic media or statutory records are not produced, appropriate adverse inference be drawn against the prosecution;*

i) *Call for and examine the complete case diary under Section 172 CrPC for judicial scrutiny.*

TIER 3 – ANCILLARY / CONSEQUENTIAL RELIEFS

(Accountability & Fair Trial Safeguards)

j) *Direct initiation of appropriate proceedings under Section 340 CrPC and Chapter XIII on BNS against responsible officials if this Hon'ble Court finds deliberate filing of false material or suppression of evidence before the Court;*

k) *Direct initiation of departmental inquiry against concerned officers for violation of Sections 173 & 207 CrPC and noncompliance of preservation directions dated 29.04.2018;*

l) *Direct the Respondents to ensure full statutory compliance under Sections 173(5) and 207 CrPC by placing complete original material before the Trial Court;*

m) *Grant such compensation as this Hon'ble Court may deem fit in the event it is found that the Petitioner has been subjected to malicious or unconstitutional prosecution;*



n) Pass any other order(s) deemed fit to secure the ends of justice.

O .INTERIM RELIEFS

(Pending Final Disposal)

Pending hearing and final disposal of the present petition, this Hon'ble Court may be pleased to:

i. Call Trial Court Records

ii. Direct the Learned APP to

a) Ensure production of complete original record including electronic media; b) Assist the Trial Court in deciding pending tampering and false implication applications; and c) File a status report confirming completeness of prosecution record.

iii. Hon'ble Court may direct Respondent Police to comply statutorily obligated under Section 173 CrPC to forward all documents to Petitioners before next date of Trial Court hearing.

iv. Hon'ble Court may direct Police Officers to attend all hearing and no further adjournments be granted except for compelling reasons.

v. Exemption to File Complete Records. I am relying on Trial Court records for disposal of present case.

vi. Direct immediate production of complete original record including electronic media before the Trial Court;

vii. Direct Respondent Police to file a status report confirming completeness of the prosecution record;

viii. Direct expeditious disposal of pending applications concerning tampering and false implication;

ix. Direct that no unnecessary adjournments be granted and that responsible officers ensure presence when required by the Trial Court."

2. Mr. Sanjeev Bhandari, ASC appearing on behalf of the respondent-State points out from the order dated 04.12.2025 passed in W.P.(CRL) 2495/2024 that the petition earlier filed by the petitioner was dismissed with the observation to raise all his contentions before the Trial Court at an appropriate stage. He also points out that the review petition against the said order was also dismissed on 26.05.2026. The learned ASC submits that the present petition is nothing but a second attempt to re-agitate the same issues which have already been considered and disposed of, and therefore, the same is liable to be dismissed on the ground of maintainability and judicial restraint.



3. Petitioner, who appears in person, consistently makes his submission and points out certain alleged inconsistencies. He contends that the FIR is a product of a pre-planned conspiracy, that the charge-sheet is barred by limitation, that there has been suppression and manipulation of electronic evidence, and that the respondent-State has failed to comply with the mandatory provisions of Sections 173 and 207 of the Code of Criminal Procedure, 1973.

4. In ***Sarguja Transport Service v. State Transport Appellate Tribunal***,¹ the Supreme Court observed that while the technical rule of *res judicata* does not strictly apply to writ petitions, the underlying principle of finality of litigation is founded on public policy. The relevant paragraphs are extracted as under:

“5. It is true that this Court has laid down that the technical rule of res judicata is not applicable to the writ petitions filed under Article 226 of the Constitution. But the principle underlying the rule of res judicata is founded on public policy. The principle is that there should be an end to litigation. It is not open to a party to agitate the same question over again in a subsequent writ petition. This principle applies with greater force when the earlier writ petition has been disposed of on merits.”

“6. Whoever waives, abandons or disclaims a right will lose it. In order to prevent a litigant from abusing the process of the court by instituting suits again and again on the same cause of action without any good reason, the courts have evolved the principle of constructive res judicata and the rule that a party cannot be permitted to raise the same issue again and again. The principle underlying the above rule is founded on the public policy, but it is not the same as the rule of res judicata contained in Section 11 of the Code.”

5. Further, with respect to the invoking of discretionary equity jurisdiction under Article 226 of the Constitution, the Supreme Court in

¹ (1987) 1 SCC 5



State of Maharashtra v. Prabhu,² held as under,

“4. Even assuming that construction placed by the High Court and vehemently defended by the learned counsel for respondent is correct should the High Court have interfered with the order of Government in exercise of its equity jurisdiction. The distinction between writs issued as a matter of right such as habeas corpus and those issued in exercise of discretion such as certiorari and mandamus are well known and explained in countless decisions given by this Court and English Courts. It is not necessary to recount them. The High Courts exercise control over Government functioning and ensure obedience of rules and law by enforcing proper, fair and just performance of duty. Where the Government or any authority passes an order which is contrary to rules or law it becomes amenable to correction by the courts in exercise of writ jurisdiction. But one of the principles inherent in it is that the exercise of power should be for the sake of justice. One of the yardstick for it is if the quashing of the order results in greater harm to the society then the court may restrain from exercising the power.”

“5. Therefore, even if the order of the Government was vitiated either because it omitted to issue a proper show cause notice or it could not have proceeded against the respondent for his past activities the High Court should have refused to interfere in exercise of its equity jurisdiction as the facts of the case did not warrant interference. What could be more harmful to society than appointing the respondent as member of the Board, a position of importance and responsibility, who was found responsible for mass copying at the examination centre of which he was a supervisor. It shakes the confidence and faith of the society in the system and is prone to encouraging even the honest and sincere to deviate from their path. It is the responsibility of the High Court as custodian of the Constitution to maintain the social balance by interfering where necessary for sake of justice and refusing to interfere where it is against the social interest and public good.”

6. Since the petitioner has already been granted liberty to raise all the issues before the Trial Court at an appropriate stage, there is no reason to entertain the instant petition. Even the demeanour of the petitioner has been deprecated by the concerned Court in its order dated 06.04.2026.

7. The instant petition is, therefore, dismissed with liberty as was already

² (1994) 2 SCC 481



granted to the petitioner on 04.12.2025.

PURUSHAINdra KUMAR KAURAV, J

JULY 1, 2026

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