



2026:DHC:8589



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

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Date of Decision: 29.09.2026

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CNR No. DLHC010171632026

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CRL.M.C. 3105/2026 and CRL.M.A.12606/2026

SHIV KUMAR

.....Petitioner

Through: Mr. Yogesh Kumar, Advocate.
versus

STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Utkarsh, APP for the State.
SI Amit, PS Jahangir Puri.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition seeks quashing of FIR No.246/2014 registered under Section 7 of the Essential Commodities Act, 1955 at Police Station Jahangir Puri and all proceedings emanating therefrom.
2. It is submitted that on 22.03.2014, M/s Hukum Chand Shiv Kumar, the Fair Price Shop (FPS) No.6602 (Circle 05), K-2/75, Jahangir Puri, Delhi-33, of the petitioner was inspected by Officials of the Food and Supplies Department, Delhi. It is alleged that during the inspection, stock of wheat was found short and rice was found excess.
3. On 31.03.2014, on the basis of the above allegations, the FPS of the petitioner was placed under suspension. On 24.04.2014, the petitioner was allowed to run his FPS again by the Appellate Authority/Special Commissioner, Department of Food and Supplies, Delhi and the order of suspension dated 31.03.2014 was put in abeyance.



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4. On 10.06.2014, the license of the FPS of the petitioner was cancelled by the Assistant Commissioner (North-West), Department of Food and Supplies, Delhi.

5. Again on 24.07.2014, the licence of the petitioner to run his FPS was restored by the Appellate Authority and the cancellation order dated 10.06.2014 was revoked.

6. The petitioner points out that in the context of FIR's registered under identical circumstances, multiple orders have been passed by this Court quashing the same. In this regard, reference is made to the following orders/judgments of this Court:

- i. Judgment / Order dated 30.04.2015 passed in CRL.M.C. 3251/2014 titled as ***Sachin Goyal v. State;***
- ii. Judgment / Order dated 13.07.2015 passed in CRL.M.C. 1248/2015 titled as ***Sunni Kadian v. State (Govt of NCT of Delhi);***

7. Particular reference may be made to the judgment/order dated 13.01.2026 passed by a Coordinate Bench of this Court in CRL.M.C. 6469/2023 titled as '***Kamlesh v. State (Govt of NCT of Delhi)***', which was in the context of an FIR registered *qua* another FPS in an identical factual conspectus. The said order reads as under:-

"1. Petitioner herein seeks quashing of FIR No. 371/2014 dated 02.05.2014, registered at P.S. Najafgarh, Delhi, under Section 7 of Essential Commodities Act, 1955 along with all consequential proceedings arising therefrom.

2. Petitioner is running a Fair Price Shop (FPS) under the name and style of M/s Amit Provision Store in Ishwar Colony, Najafgarh, New Delhi.



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3. A team from the Department of Food Supplies and Consumer Affairs visited said shop on 01.05.2014 and noticed following discrepancies:-

(i) The Inspection team asked to furnish the current record of FPs but the record were not inside the FPS.

(ii) The stock was physically checked and found 7.74 Qtls of rice and FPS but as per stock record for the month of April 2014. The balance stock of rice was nil. Thereby an excess of 7.74 Qtls. rice in the FPs. The SFA is not received during the month of April 2014 to 01.05.2014.

4. The abovesaid discrepancies resulted in registration of FIR No. 371/2014 under Section 7 of Essential Commodities Act, 1955 with P.S. Najafgarh, Delhi as the licensee had violated the provisions of Delhi Specified Articles (Regulation & Distribution) Order 1981/ Delhi Kerosene oil (Exports & Price) Order 1962 and the terms and conditions under which the license/authorization was issued.

5. Petitioner was released on anticipatory bail.

6. Admittedly, the charge-sheet was filed before the learned Trial Court way back in the year 2015 and the trial is still going on.

7. As per the learned counsel for petitioner, the material witnesses could not be examined, for want of case property which is not available.

8. Learned counsel for the petitioner, however, submits that after the abovesaid irregularities and discrepancies were pointed out by the enforcement team of the Department of Food and Supplies, a show-cause notice was issued to the petitioner and she submitted comprehensive reply and presented the entire record. She clarified that on account of heavy rush, the signatures of each of the card holders were not obtained. As regards the alleged excess quantity of rice, she replied that the said stock was not, in fact, rice but waste grains which comprised of wheat, rice and dust, which was not meant for distribution and sale to the card-holders and had rather being kept aside, as waste.

9. After her reply was furnished, a door-to-door survey of all the 187 card-holders was carried out and all such card holders,



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barring ten, were found residing at the given addresses and have also given statements regarding receiving Specified Food Articles (SFAs)/Ration timely.

10. The survey also revealed that there was no issuance of SFA to the other ten card holders, who were not even registered under National Food Security Portal.

11. Fact remains that keeping in mind the overall facts and circumstances of the case and the aforesaid survey and also in view of the larger public interest, the Competent Authority took decision to restore the license/authorization of the petitioner thereby virtually absolving the petitioner.

12. It is in the abovesaid backdrop that the present petition has been filed which seeks quashing of FIR, also for the reason that the criminal case is pending against the petitioner for more than a decade, now. Learned counsel for petitioner also relies upon *Sachin Goel vs State in Crl. M.C. 3251/2014 dated 20.04.2015* and *Sunni Kadian vs State: 2015 SCC OnLine Del 10321* wherein on the basis of restoration of the license, this Court had quashed the criminal proceedings.

13. When asked, learned APP for the State, on instructions, intimated that the provisional store in question is still being run by the same petitioner and there is no further reported infraction or violation by her. 14. Admittedly, the abovesaid act of restoration of license cannot be disregarded and side-lined. This Court is also conscious of the fact that during last ten years, there is no further complaint from the Fair Price Shop in question.

15. The order of the Competent Authority which resulted in the restoration of license was never challenged by the concerned Department and has already attained finality.

16. Consequently, to secure the ends of justice, FIR No. 371/2014 dated 03.05.2014, registered at P.S. Najafgarh, Delhi, under Sections 7/10/55 Essential Commodities Act, 1955 along with all consequential proceedings emanating therefrom, is hereby, quashed.

17. The petition stands disposed of in aforesaid terms.”



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8. Learned APP for the State does not dispute that the present case is identical and the reasoning in the aforesaid judgment applies to the present case as well.

9. In the circumstances, FIR No.246/2014 registered under Section 7 of the Essential Commodities Act, 1955 at Police Station Jahangir Puri, and all proceedings emanating therefrom, are quashed.

10. The present petition, along with pending application, stands allowed in the above terms.

SACHIN DATTA, J

SEPTEMBER 29, 2026/r