



2026:DHC:1067



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 09.02.2026

+ **CRL.M.C. 1119/2026, CRL.M.A. 4421/2026 & CRL.M.A. 4420/2026**

RAJAT & ORS.

.....Petitioners

Through: Mr. Sauraj Yadav and Mr. Satyavijay Yadav, Advocates.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjeev Sabharwal, APP for State with WSI Sharanya. S, PS Jamia Nagar and WSI Soni Lal, PS Nabi Karim.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. The petitioners seek quashing of FIR No.328/2022 of Police Station Patel Nagar for the offence under Section 498A/406/323/34/376/377/506 IPC on merits.

2. It is submitted by learned counsel for petitioners that the impugned FIR is based on complete falsehood, insofar as there was no allegation of rape or unnatural sex initially, but only in her statement under Section 164 CrPC, the complainant *de facto* levelled those allegations. It is also argued that on same set of facts, two separate FIRs were registered by the police of



different police stations; one FIR is No.227/2021 of PS Nabi Karim while the other FIR is the one presently impugned. It is further submitted that quashing of FIR No.227/2021 also was sought earlier and this court in CRL.M.C. 775/2026 by way of order dated 30.01.2026 stayed till next date the proceedings arising out of that FIR. That being so, according to learned counsel for petitioner, proceedings arising out of the FIR impugned in the present case also deserve to be stayed.

3. Learned APP for State assisted by SI Sharanya. S accepts notice and opposes the petition, taking me through the detailed statement of prosecutrix recorded under Section 164 CrPC on oath before the magistrate.

4. Learned counsel for petitioners contends that since in the originally filed complaint dated 27.07.2021, there was no allegation of rape or unnatural sex, the proceedings arising out of the impugned FIR are not sustainable and the same are liable to be quashed.

5. So far as FIR No.227/2021 is concerned, the same was registered on complaint dated 26.07.2021 of complainant *de facto* alleging offences under Section 323/341/506/34 IPC. On the other hand, the FIR impugned in the present case was registered on complaint dated 27.07.2021 of complainant *de facto* for offence under Section 498A/406/323/34 IPC, to which the offences under Section 376/377/506/34 IPC were added on the basis of statement of complainant *de facto* recorded on oath by the magistrate.



6. I have examined the detailed statement of complainant *de facto* under Section 164 CrPC, which levels extremely serious allegations including an effort to somehow push the complainant *de facto* into flesh trade. Even in the complaint dated 27.07.2021, which led to the registration of the FIR for offence under Section 498A/406/323/34 IPC, the complainant *de facto* levelled specific allegations.

7. The argument of learned counsel for petitioners that statement under Section 164 CrPC of the complainant *de facto* is false is yet to be tested through trial. It is trite that this court in the proceedings under Section 482 CrPC (*currently Section 528 BNS*) cannot conduct a mini trial. At present, it is only the allegations mentioned in the FIR and the statement recorded under Section 164 CrPC which have to be considered. The same do make out a *prima facie* case for offences mentioned above.

8. Therefore, I do not find it a fit case to quash FIR No.328/2022 of Police Station Patel Nagar for the offence under Section 498A/406/323/34/376/377/506 IPC. The petition and the accompanying application are dismissed.

**GIRISH KATHPALIA
(JUDGE)**

FEBRUARY 09, 2026/ry