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

% *Judgment reserved on: 15.07.2025*
*Judgment pronounced on: 22.07.2025*

\+ **CRL.M.C. 4606/2025 & CRL.M.A. 20013/2025**

AMARDEEP SONI .....Petitioner

Through: Mr. Shahid Ali, Mr. Sameer Tayyeb, Mr. Gaurav Soni, Mr. Mayank Sharma and Mr. Prateek Banerjee, Advocates.

versus

STATE OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Nawal Kishore Jha, APP for State with ASI Virender Kumar, PS Sunlight Colony, Delhi.

\+ **CRL.M.C. 4609/2025 & CRL.M.A. 20017/2025**

SANDEEP SONI .....Petitioner

Through: Mr. Shahid Ali, Mr. Sameer Tayyeb, Mr. Gaurav Soni, Mr. Mayank Sharma and Mr. Prateek Banerjee, Advocates.

versus

STATE OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Nawal Kishore Jha, APP for State with ASI Virender Kumar, PS Sunlight Colony, Delhi.

\+ **CRL.M.C. 4616/2025 & CRL.M.A. 20050/2025**

HARSH SONI .....Petitioner

Through: Mr. Shahid Ali, Mr. Sameer Tayyeb, Mr. Gaurav Soni, Mr. Mayank Sharma and Mr. Prateek Banerjee, Advocates.

versus

STATE OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Nawal Kishore Jha, APP for State with ASI Virender Kumar, PS Sunlight Colony, Delhi.

\+ **CRL.M.C. 4623/2025 & CRL.M.A. 20080/2025**

KALI PRASAD .....Petitioner

Through: Mr. Shahid Ali, Mr. Sameer Tayyeb, Mr. Gaurav Soni, Mr. Mayank Sharma and Mr. Prateek Banerjee, Advocates.

versus

STATE OF NCT OF DELHI & ANR. .....Respondents

Through: Mr. Nawal Kishore Jha, APP for State with ASI Virender Kumar, PS Sunlight Colony, Delhi.

**CORAM:**
**HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**C O M M O N J U D G M E N T**

**GIRISH KATHPALIA, J.:**

1. By way of these four petitions, the petitioners who are members of a family and are accused persons, seek quashing of case FIR No. 355/2024 of PS Sunlight Colony for offences under Section 115(2)126(2)/351(3)/3(5) of BNS and the proceedings arising out of the same. The subject FIR as well as the factual and legal matrix being same, these petitions are taken up together for disposal.

2. Notice of these petitions was accepted by learned Additional Public Prosecutor (APP), and with consent of both sides I heard the final arguments on the same day.

3. Briefly stated, prosecution case unfolding through statement of the complainant *de facto* Dwarika Prashad, which statement was registered as the subject FIR, is as follows.

3.1 The premises no.153, Jeewan Nagar, Sunlight Colony, New Delhi, consists of five floors; the complainant *de facto* with his family is living on fourth floor for past about 13 years, while his brother Ramjag Soni is on the ground floor. Pertaining to fourth and fifth floor of the said premises, the complainant *de facto* is embroiled in a property dispute with his cousins.

3.2 On 03.11.2024, at about 05:00pm when the complainant *de facto* was in his shop, his paternal cousins Amardeep Soni and Sandeep Soni started breaking lock and door of fourth floor of the premises, so he went to the fourth floor and asked his cousins as to why the door and the lock were being broken, in response to which they abused him and threatened to kill him. Thereafter, his brother Ramjag Soni also reached there and asked their cousins the reasons for breaking the lock and the door, in response to which, their cousins Amardeep and Sandeep assaulted Ramjag Soni with hammer and threatened him to leave otherwise he would be killed. So out of fear, Ramjag Soni ran downstairs and called police. The complainant *de facto* also came downstairs and his brother went back home in nearby Bhagwan Nagar.

3.3 Ramjag Soni called up their cousin Shesh Prashad son of their uncle Devi Prashad and informed him about the incident, but Shesh Prashad also threatened him over phone.

3.4 Thereafter, Ramjag Soni went to his uncle Devi Prashad to tell about the conduct of his cousins. Devi Prashad resides in the same vicinity on third floor of the premises, so the complainant *de facto* called Devi Prashad and sat on ground floor shop of the latter.

3.5 After sometime, Amardeep cousin of complainant *de facto* also reached there abusing him, and after beating him up, forcibly pushed him out of the shop. Hearing the commotion, Aachman Soni nephew of complainant *de facto* also reached there and was beaten up by Amardeep.

3.6 In the meanwhile, paternal uncle and cousin Sandeep Soni of complainant *de facto* also reached there and beat up his brother and nephew.

3.7 Shesh Prashad and paternal aunt of complainant *de facto*, carrying a wooden stick also reached there. Paternal uncle and aunt of complainant *de facto* along with their three children beat up brother and nephews of complainant *de facto* with stick, and when he tried to intervene, his elder brother Kali Prashad and cousins Harsh Soni, Sarita Soni, Sheetal Soni as well as their husbands Uday, Shyam and Gaurav Soni also started beating him, his brother and nephew.

3.8 In the meanwhile, Anand Soni son of complainant *de facto* also reached there and tried to intervene, but Shesh Prashad grabbed neck of Anand Soni, pushing him out of door, causing injuries.

3.9 Thereafter, complainant *de facto* and his son were beaten up with an iron rod. Devi Prashad, along with his sons, daughters and sons-in-law also threatened to kill the complainant *de facto* if he reported the matter to police.

3.10 Feeling scared, the complainant *de facto* and his family members reached the police station, from where they were taken to AIIMS Trauma Centre for medical treatment. On account of his medical condition, the complainant *de facto* made his statement on 06.11.2024 and got the subject FIR registered.

3.11 The Investigating Officer (IO), collected MLCs of the complainant *de facto* and his family members, in which injuries suffered by the complainant *de facto* and his relatives were recorded as multiple abrasions on arms.

3.12 On the basis of above mentioned complaint and MLCs of the injured persons, local police registered the subject FIR for offences under Section 115(2)126(2)/351(3)/3(5) of BNS. After completion of investigation, chargesheet was filed before the learned trial magistrate.

3.13 Hence, the present petition for quashing the subject FIR and the proceedings emanating therefrom.

4. Learned counsel for petitioners argued that the trial on the impugned FIR would not lead to conviction, so it is a fit case to quash the proceedings pending before the trial court. Taking me through the MLCs of the injured persons, learned counsel for petitioners submitted that all MLCs record that the injured concerned was assailed by some known persons; and since names of those known assailants have not been mentioned, the MLCs lose credence. Further, it was argued on behalf of petitioners that the number of assailants mentioned in each MLC is different and the same is also different from statement under Section 161 CrPC of one witness. Learned counsel for petitioners placed heavy reliance on the video footage, filed with the chargesheet and claimed that the same shows the complainant party making a phone call to police even prior to the alleged incident, which would in turn show their planning to attack the petitioners. No other argument was advanced by learned counsel in support of the petitions, as recorded in ordersheet dated 15.07.2025.

5. On the other hand, learned APP submitted that out of same incident, a cross FIR also was registered against members of the complainant party and both matters are pending before the learned trial court for consideration of charge. According to learned prosecutor, the arguments raised on behalf of petitioners are matter of trial, so on the basis of these arguments, the impugned FIR cannot be quashed.

6. At this stage, it would be apposite to briefly traverse through the legal position relevant for the issue under consideration. The exercise of power under Section 482 CrPC to quash FIR and the consequent proceedings is an

exception, not a rule. The provision does not confer any new power on the High Courts; it only saves the inherent powers, which already existed in the High Courts at the time of first codification of the criminal procedure. It stipulates three situations, in which the inherent power can be exercised: (a) to give effect to an order under the Code, (b) to prevent abuse of process of the court, and (c) to otherwise secure the ends of justice. While exercising powers under Section 482 CrPC, the High Court cannot act as a Court of Appeal or Court of Revision, much less the Trial Court. The High Court must be cautious not to overstep into the jurisdiction assigned to the trial or appellate or revisional courts. The inherent jurisdiction must not be invoked routinely, but sparingly.

6.1 In the case of ***R.P. Kapur v. State of Punjab***, AIR 1960 SC 866, the Supreme Court summarised some categories of cases where inherent power can be exercised to quash the criminal trial proceedings:

> (i) where it manifestly appears that there is a legal bar against the institution or continuance e.g. want of sanction;
> (ii) where the allegations in the first information report or complaint taken at its face value and accepted in their entirety do not constitute the offence alleged; and
> (iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

In dealing with the last category, it is important to bear in mind the distinction between a case where there is no legal evidence or where there is evidence which is clearly inconsistent with the accusations made, and a case where there is legal evidence which, on appreciation, may or may not support the accusations. When exercising jurisdiction

under Section 482 of the Code, the High Court would not ordinarily embark upon an enquiry whether the evidence in question is reliable or not or whether on a reasonable appreciation of it, accusation would not be sustained. That is within the exclusive domain of the Trial Judge.

6.2 The scope of inherent powers of the High Court *qua* quashing of FIR and proceedings arising therefrom was elaborately laid down by the Hon'ble Supreme Court in the case titled ***State of Haryana vs Bhajan Lal,*** 1992 SCC (Cri) 426. The parameters laid down in the said case hold the field till date. In plethora of judicial pronouncements dealing with quashing of FIR and consequent criminal proceedings, the Supreme Court as well as all High Courts have placed reliance on those parameters, which are extracted as follows:

> *"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*
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> *(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*
>
> *(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not*

*disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*

*(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*

*(4) Where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*

*(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*

*(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*

*(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.*

*103. We also give a note of caution to the effect that* ***the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice****."* *(emphasis supplied)*

6.3 In the case of ***CBI vs Arvind Khanna***, (2019) 10 SCC 686, the Supreme Court reiterated thus:

*"17. After perusing the impugned order and on hearing the*

*submissions made by the learned Senior Counsel on both sides, we are of the view that the impugned order [Arvind Khanna v. CBI, 2015 SCC OnLine Del 13651 : (2015) 153 DRJ 350] passed by the High Court is not sustainable.* ***In a petition filed under Section 482 CrPC, the High Court has recorded findings on several disputed facts and allowed the petition. Defence of the accused is to be tested after appreciating the evidence during trial. The very fact that the High Court, in this case, went into the most minute details, on the allegations made by the appellant CBI, and the defence put forth by the respondent, led us to a conclusion that the High Court has exceeded its power, while exercising its inherent jurisdiction under Section 482 CrPC.***

*18. In our view, the assessment made by the High Court at this stage, when the matter has been taken cognizance of by the competent court, is completely incorrect and uncalled for.*

*19. ……..*

*20. The correctness of the defence whether such amounts were received by the respondent from his father or not is a serious factual dispute. It is not an admitted position, as recorded by the High Court. The correctness of the defence of the respondent is to be gone into only after appreciating the evidence during the trial. Merely, by referring to statements alleged to have been made by father of the respondent, Mr Vipin Khanna, and also on behalf of one of the entities i.e. New Heaven Nominees, the High Court has committed an error in recording a finding in favour of the respondent." (emphasis supplied)*

6.4 In the case of ***Amish Devgan vs Union of India and Ors***, (2021) 1 SCC 1, the Supreme Court held thus:

*"(vii) Conclusion and relief*

*116. At this stage and before recording our final conclusion, we would like to refer to decision of this Court in Pirthi Chand [State of H.P. v. Pirthi Chand, (1996) 2 SCC 37 : 1996 SCC (Cri) 210] wherein it has been held : (SCC pp. 44-45, paras 12-13)*

*"12. It is thus settled law that the exercise of inherent power of the High Court is an exceptional one. Great care should be taken by the High Court before embarking to scrutinise the FIR/charge-sheet/complaint. In deciding whether the case is rarest of rare cases to scuttle the prosecution in its inception, it first has to get into the grip of the matter whether the allegations constitute the offence. It must be remembered that FIR is only an initiation to move the machinery and to investigate into cognizable offence. After the investigation is conducted (sic concluded) and the charge-sheet is laid, the prosecution*

*produces the statements of the witnesses recorded under Section 161 of the Code in support of the charge-sheet. At that stage it is not the function of the court to weigh the pros and cons of the prosecution case or to consider necessity of strict compliance with the provisions which are considered mandatory and effect of its non-compliance. It would be done after the trial is concluded.* ***The court has to prima facie consider from the averments in the charge-sheet and the statements of witnesses on the record in support thereof whether court could take cognizance of the offence on that evidence and proceed further with the trial. If it reaches a conclusion that no cognizable offence is made out, no further act could be done except to quash the charge-sheet. But only in exceptional cases i.e. in rarest of rare cases of mala fide initiation of the proceedings to wreak private vengeance issue of process under Criminal Procedure Code is availed of.*** *A reading of a [Vide Corrigendum dated 20-3-1996 issued from Residential Office of Hon'ble Mr Justice K. Ramaswamy.] complaint or FIR itself does not disclose at all any cognizable offence — the court may embark upon the consideration thereof and exercise the power."*

*(emphasis supplied)*

6.5 In the case of ***Kaptan Singh vs State of Uttar Pradesh and Ors.***, (2021) 9 SCC 35, the Supreme Court held thus:

*"9.1. At the outset, it is required to be noted that in the present case the High Court in exercise of powers under Section 482 CrPC has quashed the criminal proceedings for the offences under Sections 147, 148, 149, 406, 329 and 386 IPC. It is required to be noted that when the High Court in exercise of powers under Section 482 CrPC quashed the criminal proceedings, by the time the investigating officer after recording the statement of the witnesses, statement of the complainant and collecting the evidence from the incident place and after taking statement of the independent witnesses and even statement of the accused persons, has filed the charge-sheet before the learned Magistrate for the offences under Sections 147, 148, 149, 406, 329 and 386 IPC and even the learned Magistrate also took the cognizance. From the impugned judgment and order [Radhey Shyam Gupta v. State of U.P., 2020 SCC OnLine All 914] passed by the High Court, it does not appear that the High Court took into consideration the material collected during the investigation/inquiry and even the statements recorded.* ***If the petition under Section 482 CrPC was at the stage of FIR in that case the allegations in the FIR/complaint only are required to be considered and whether a cognizable offence***

***is disclosed or not is required to be considered. However, thereafter when the statements are recorded, evidence is collected and the charge-sheet is filed after conclusion of the investigation/inquiry the matter stands on different footing and the Court is required to consider the material/evidence collected during the investigation. Even at this stage also, as observed and held by this Court in a catena of decisions, the High Court is not required to go into the merits of the allegations and/or enter into the merits of the case as if the High Court is exercising the appellate jurisdiction and/or conducting the trial. As held by this Court in Dineshbhai Chandubhai Patel [Dineshbhai Chandubhai Patel v. State of Gujarat, (2018) 3 SCC 104 : (2018) 1 SCC (Cri) 683] in order to examine as to whether factual contents of FIR disclose any cognizable offence or not, the High Court cannot act like the investigating agency nor can exercise the powers like an appellate court. It is further observed and held that that question is required to be examined keeping in view, the contents of FIR and prima facie material, if any, requiring no proof. At such stage, the High Court cannot appreciate evidence nor can it draw its own inferences from contents of FIR and material relied on****. It is further observed it is more so, when the material relied on is disputed. It is further observed that in such a situation, it becomes the job of the investigating authority at such stage to probe and then of the court to examine questions once the charge-sheet is filed along with such material as to how far and to what extent reliance can be placed on such material.*

*12. Therefore, the High Court has grossly erred in quashing the criminal proceedings by entering into the merits of the allegations as if the High Court was exercising the appellate jurisdiction and/or conducting the trial. The High Court has exceeded its jurisdiction in quashing the criminal proceedings in exercise of powers under Section 482 CrPC."* *(emphasis supplied)*

6.6 In the case of ***Ramveer Upadhyay & Anr. vs State of Uttar Pradesh***, (2022) SCC OnLine SC 484, the Supreme Court reiterated:

*"39. In our considered opinion criminal proceedings cannot be nipped in the bud by exercise of jurisdiction under Section 482 of the Cr.P.C. only because the complaint has been lodged by a political rival. It is possible that a false complaint may have been lodged at the behest of a political opponent. However, such possibility would not justify interference under Section 482 of the Cr.P.C. to quash the criminal proceedings. As observed above, the possibility of retaliation on the part of the petitioners by the acts alleged, after closure of the earlier criminal case cannot be ruled out. The allegations in the*

*complaint constitute offence under the Atrocities Act. Whether the allegations are true or untrue, would have to be decided in the trial. In exercise of power under Section 482 of the Cr.P.C., the Court does not examine the correctness of the allegations in a complaint except in exceptionally rare cases where it is patently clear that the allegations are frivolous or do not disclose any offence. The Complaint Case No. 19/2018 is not such a case which should be quashed at the inception itself without further Trial. The High Court rightly dismissed the application under Section 482 of the Cr.P.C."*

6.7. In the case of ***CBI vs Aryan Singh and Ors.***, (2023) 18 SCC 399, the Supreme Court held thus:

*"6. From the impugned common judgment and order [Aryan Singh v. CBI, 2022 SCC OnLine P&H 4158] passed by the High Court, it appears that the High Court has dealt with the proceedings before it, as if, the High Court was conducting a mini trial and/or the High Court was considering the applications against the judgment and order passed by the learned trial court on conclusion of trial.* ***As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 CrPC, the Court is not required to conduct the mini trial.*** *The High Court in the common impugned judgment and order has observed that the charges against the accused are not proved. This is not the stage where the prosecution/investigating agency is/are required to prove the charges. The charges are required to be proved during the trial on the basis of the evidence led by the prosecution/investigating agency.*

*7. Therefore, the High Court has materially erred in going in detail in the allegations and the material collected during the course of the investigation against the accused, at this stage.* ***At the stage of discharge and/or while exercising the powers under Section 482 CrPC, the Court has a very limited jurisdiction and is required to consider "whether any sufficient material is available to proceed further against the accused for which the accused is required to be tried or not"****.*

*8. One another reason pointed by the High Court is that the initiation of the criminal proceedings/proceedings is malicious. At this stage, it is required to be noted that the investigation was handed over to the CBI pursuant to the directions issued by the High Court. That thereafter, on conclusion of the investigation, the accused persons have been charge-sheeted. Therefore, the High Court has erred in observing at this stage that the initiation of the criminal proceedings/proceedings is malicious.* ***Whether the criminal***

***proceedings was/were malicious or not, is not required to be considered at this stage. The same is required to be considered at the conclusion of the trial. In any case, at this stage, what is required to be considered is a prima facie case and the material collected during the course of the investigation, which warranted the accused to be tried.*** *(emphasis supplied)*

6.8 Most recently, in the case of ***Abhishek Singh vs Ajay Kumar and Ors.***, (2025) SCC OnLine SC 1313, the Hon'ble Supreme Court reiterated:

> *"9. The scope of the Court's power to quash and set aside proceedings is well-settled to warrant any restatement. While the arguments advanced have the potential to raise many issues for consideration, we must first satisfy ourselves as to the propriety of the exercise of such power by the High Court.* ***The task of the High Court, when called upon to adjudicate an application seeking to quash the proceedings, is to see whether, prima facie, an offence is made out or not. It is not to examine whether the charges may hold up in the Court. In doing so, the area of action is circumscribed.*** *In Rajeev Kourav v. Baisahab, it was held:*
>
> > *"8. It is no more res integra that exercise of power under Section 482 CrPC to quash a criminal proceeding is only when an allegation made in the FIR or the charge-sheet constitutes the ingredients of the offence/offences alleged. Interference by the High Court under Section 482 CrPC is to prevent the abuse of process of any court or otherwise to secure the ends of justice. It is settled law that the evidence produced by the accused in his defence cannot be looked into by the court, except in very exceptional circumstances, at the initial stage of the criminal proceedings.* ***It is trite law that the High Court cannot embark upon the appreciation of evidence while considering the petition filed under Section 482 CrPC for quashing criminal proceedings. It is clear from the law laid down by this Court that if a prima facie case is made out disclosing the ingredients of the offence alleged against the accused, the Court cannot quash a criminal proceeding.*** *"*
>
> *15. In that view of the matter, we hold that the High Court had improperly quashed the proceedings initiated by the appellant. It stands clarified that we have not expressed any opinion on the matter, and the guilt or innocence of the respondents has to be established in the trial, in accordance with the law. The proceedings out of the subject FIR, mentioned in paragraph 2 are revived and restored to the file of the concerned Court."* *(emphasis supplied)*

7. Falling back to the present case, as mentioned above, during arguments learned counsel for petitioners did not contend that the allegations made in the impugned FIR do not *prima facie* constitute cognizable offence. However, it would be pertinent to note that in the pleadings, the petitioners did plead that no offence of voluntarily causing hurt is made out because there is nothing to infer guilty intention to hurt. But this argument was apparently given up in view of plain wordings of the definition of offence and clear distinction between guilty intention and voluntariness.

8. Rather, the video footage relied upon by petitioners themselves would establish otherwise. The video footage clearly captured the brawl between two groups, who are now facing cross trials. Merely because one person in the said video footage is visible speaking over mobile phone prior to incident, it is not possible (*nor permissible in these proceedings*) to draw a positive inference that the said call was being made to police in preplanned manner. That can be ascertained only after analysis through full dress trial.

9. The only ground on which the petitioners have assailed the impugned FIR is that trial would not culminate into conviction because of absence of names of the known assailants in the MLCs and difference in number of assailants mentioned in each MLC. These aspects can be explained by the concerned witnesses once they step into the box during trial. By holding that on these grounds, the trial would positively culminate into acquittal, this court would be conducting a mini trial through appreciation of evidence on record, which cannot be carried out in these proceedings. These are the aspects of appreciation of evidence as to under what medical condition each

of the injured was when he gave the alleged history to the doctors on duty. This court lacks jurisdiction to minutely analyze the material collected by the investigators.

10. Out of the offences for which the petitioners have been chargesheeted, *prima facie*, only one offence, which is under Section 126(2) BNS is the cognizable offence. According to prosecution, by obstructing the complainant *de facto* from entering his house on fourth floor of the premises, where he has been residing for past 13 years, the petitioners wrongfully restrained him, thereby committing an offence punishable under Section 126(2) BNS. According to the FIR, the petitioners broke lock and door of the fourth floor of the premises and when the complainant *de facto* objected, they assaulted him and his family members with stick, iron rod and hammer, due to which out of fear he could not enter the fourth floor and ran downstairs. As mentioned above, the trial court is yet to hear even on the point of charge. The question as to whether an offence under 126(2) BNS is made out and as to whether any other offence also is made out from the chargesheet and documents annexed therewith would fall within the domain of the trial court. It would certainly be not justified for this court to invoke inherent powers and overstep into the jurisdiction of trial court. For, it is not a case of no offence made out from material on record of the chargesheet. To make it abundantly clear, the trial court while deciding the question about the charges made out, shall not be bound by the above observations and shall take independent view.

11. Being completely devoid of merits and frivolous, all these petitions are dismissed with costs of Rs.10,000/-, to be deposited by each of the petitioners with the Delhi High Court Legal Services Committee within one week. For compliance *qua* costs, copy hereof be sent to the learned trial court forthwith. Pending applications stand disposed of.

GIRISH KATHPALIA

Digitally signed by GIRISH KATHPALIA
Date: 2025.07.22 14:53:18 +05'30'

**GIRISH KATHPALIA**
**(JUDGE)**

**JULY 22, 2025/***ry*