



2026:DHC:3431



\$~61

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

%

Date of Decision: 24.04.2026+ **CRL.M.C. 3150/2026, CRL.M.A. 12774/2026 & CRL.M.A. 12775/2026**

PARTH DHANANJAY TANDON

.....Petitioner

Through: Mr. Naveen Kohar, Mr. Jagjit, Ms. Priya and Mr. Amit Nagar, Advocates.

versus

STATE OF NCT DELHI & ANR.

.....Respondents

Through: Mr. Hemant Mehla, APP for the State with SI Varsha.
Mr. Vikas Pahwa, Senior Advocate with Ms. Preeti Pahwa, Mr. Asad Abbas Zaidi, Mr. Aamani Raj and Mr. Aditya Acharya, Advocates for R-2.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. Petitioner has assailed order dated 10.09.2025 of the learned trial court and seeks quashing of case FIR No. 212/2025 of PS Shakarpur for offence under Section 376 IPC and Section 272/79/115/332/351(2)/3(5) of BNS.

2. At the outset, learned counsel for petitioner submits that the petitioner as well as the prosecutrix are practising advocates of this Court and rather it is the petitioner who is a victim of physical and mental humiliation.



2026:DHC:3431



According to petitioner, no offence is made out from the complaint, therefore, it is a fit case to quash the FIR.

3. Learned APP for the State and learned Senior Counsel on behalf of prosecutrix point out that the application for discharge filed by the petitioner is already pending before the trial court and the issue involved in that application is same as raised in the present petition. That being so, according to respondents side it would not be appropriate for this Court to even issue notice.

4. In response, the only argument submitted by counsel for petitioner is that the present petition is abuse of process.

5. Having heard learned counsel for petitioner at length, I am of the view that any decision of this Court on this petition would cause severe prejudice to either side since the same aspect is already *sub-judice* before the trial court. The trial court as well as this Court are faced with same question as to whether the subject FIR and the chargesheet make out a *prima facie* case. Any decision or view taken by this Court would be tantamount to overstepping the jurisdiction of trial court. That being so, in my view the petition is not even maintainable.

6. Consequently, the petition and the pending applications are dismissed.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 24, 2026/‘rs’