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

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*Date of decision: 4<sup>th</sup> April, 2025*

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**W.P.(CRL) 2956/2022**

**AASHEESH KUMAR PAANDEY**

S/o M. K Pandey

R/o Block-1, Villa No. 82 FF,

Eros Garden, Charmwood Village,

Surajkund Road, Faridabad

Haryana-121009

.....Petitioner

Through: Mr. B. Badrinath, Mr. P. R. Chattorji,  
Mr. Dhruv Bhardwaj, Advocates with  
Petitioner in person.

versus

**1. STATE**

Through S.H.O.

Kalkaji, Police Station,

New Delhi

.....Respondent No.1.

**2. Mrs. PUSHPA**

W/O Sh. Bishan Swaroop

R/O 515, Chirag Delhi,

New Delhi

.....Respondent No.2.

Through: Mr. Sanjay Lao, Standing Counsel for  
the State with SI Mahesh Kumar P.S.  
Kalkaji.  
Mr. Thakur Sumit and Mohd. Afaque,  
Advocates for R-2.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**J U D G M E N T (oral)**



1. Writ Petition under Article 226 of the Constitution of India has been filed for quashing of FIR No.140/2021, under Sections 323/341/506/509/34 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC"*), dated 29.03.2021 at P.S. Kalkaji.
2. Petitioner, a practicing advocate by profession, has submitted that as per the Settlement between Thok Jogians and Brahmins in the offerings and tehbazari of Mandir Shree Kalkaji, 4 anna share out of one old rupee goes to Thok Jogians and rest goes to Thok Brahmins. However, various litigations in the Civil Courts were initiated for claiming the *Bari Rights in Kalkaji Temple*.
3. Sh. Mahender Kumar Pandey, father of Petitioner filed a *Suit No.459/1984 for declaration and permanent injunction* claiming that he may be declared as the only heir of Late Sh. Ram Swaroop and be declared entitled to 1/6<sup>th</sup> share of Late Sh. Ram Swaroop in addition to his own 1/6<sup>th</sup> share and also for restraining Defendants from interfering in the exercise of his rights to realise his 1/6<sup>th</sup> share in the offerings, Tehbazari, etc. The suit was disposed of in 2014.
4. An Appeal was preferred bearing RCA DJ.No.74/2014 (New No.RFA 413/2021) pending before this Court and is fixed for arguments on "*Female Right in the offerings of Kalkaji Temple and Right to Pooja Sewa & Adoption*".
5. It is claimed that despite the Civil litigation pending in the High Court, Respondent No.2/Mrs. Pushpa started creating ruckus on the commencement of Shashmahi Bari of Gharbari Jogi commencing



from midnight of 24/25<sup>th</sup> March, 2021 and ending with midnight of 22/23<sup>rd</sup> April, 2021. They created utmost disturbance for the Petitioner, his father and other co-Pujaris as the same being the Shashmahi Bari of the members of other two branches of Gharbari Jogi namely *Ganga Nath branch* and *Raj Nath branch* who were performing the *Pooja Sewa* as per rights and custom, whereas the Petitioner and Late Sh. Ram Swaroop belong to *Girdhari Nath Branch*.

6. The Petitioner's father anticipating the conspiracy to cause bodily harm as well as to implicate the Petitioner or his family members in some false case, filed a Complaint dated 25.03.2022 before SHO Kalkaji which was also followed by another Complaint on 26.03.2021.

7. Respondent No.2 since commencement of Shashmahi Bari, started harassing the Petitioner and intimidated him coupled with threats followed with hurling abuses, on 26.03.2021. The Petitioner called the PCR at 100 at about 3.52 PM. The Police came but was unable to stop Respondent No.2 from creating ruckus and disturbance.

8. This led to initiation of proceedings under Section 107/150 Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C"*) on 27.03.2021, against the Petitioner as well as Respondent No.2 and both were warned by Executive Magistrate not to create any nuisance, disturbance or ruckus for the co-Pujaris or for visiting Yatris at the temple.



9. Respondent No. 2 however continued her nuisance and disturbance. On 28.03.2021 Petitioner received several calls from co-Pujaris asking him to come to the temple premises and face Respondent No.2. The Petitioner eventually came to the temple premises at about 6 PM where Respondent No.2 along with her accomplices, was already waiting to execute well advanced concocted plan and conspiracy of causing bodily harm to the Petitioner followed by his false implication in the criminal case. The moment Petitioner reached the premises, Respondent No.2 started hurling abuses and using bad language. Sensing danger to his life and limb, Petitioner tried to leave the Dera premises, but was unable to do so.

10. The Petitioner made first PCR call at about 6:36 PM, but no one came for his rescue.

11. At about 7:20 PM, a pilgrim/yatri, *Anand* came from the VIP route side to the Bhawan adjacent to the main entry and saw Respondent No.2 quarrelling, hurling abuses, using unparliamentarily language, shouting and creating scene and not permitting the Petitioner to leave the Dera premises. He tried to intervene and made repeated requests to let the Petitioner leave. However, Respondent No.2 blocked the way of Mr. Anand and started abusing him as well. When Mr. Anand tried to leave but Respondent No.2 pounced on him and pulled him back from the collar, but somehow Mr. Anand managed to free himself from her hold and left making way for the Petitioner who too managed to come out of the wrongful restraint of



Respondent No.2.

12. The Petitioner made a second PCR call at about 7:38 PM and went upstairs at the Kuthiyar premises, but to his utter astonishment Respondent No.2 along with her daughter and grandson, blocked the way again and closed the door of Kuthiyar and sat in front of the door. Request was made by many fellow Pujaris to Respondent No.2 to unblock the way on which she agreed to give way to fellow Pujaris but did not let the Petitioner leave.

13. At about 8 PM, police arrived at Mandir Bhawan and rescued the Petitioner from the Kuthiyar premises. On his way, the Petitioner crossed Dharamshala of Mr. Dinesh Pandey where he noticed Respondent No.2, her daughter and her grandson quarrelling, fighting and hurling abuses at Mr. Dinesh Pandey and his wife, Smt. Sunita, standing on her legs without a pinch of trouble of which video proof was taken.

14. Immediately thereafter, Petitioner went to Police Chowki and called his wife to come to the Temple as he was being ill treated in a manner as he if was the wrongdoer or had committed crime or sin. At about 8:20 PM, Petitioner's phone was taken by the police officials.

15. In the meanwhile, wife of the Petitioner reached the temple premises at about 8:50 PM, but was unable to talk to him as his mobile had already been taken by the police. Since there were noises coming from the Dharamshala of Mr. Dinesh Pandey, she reached there and saw Respondent No.2, her daughter and her grandson



fighting with Mr. Dinesh Pandey and his wife, Sunita. As soon as the Respondent No.2 spotted the wife of the Petitioner, they pounced on her, pulled her hair, snatched her gold chain and outraged her modesty by tearing her clothes and raised his hand on her chest and hurled abuses and beat her.

16. At about 9:10 PM, wife of the Petitioner reached Kalkaji Police Station where he and his wife were made to sit for three hours as if they were criminals even though Petitioner was the first victim who had been subjected to wrongful restraint and ill treatment by Respondent No.2. No FIR was registered on the Complaint of the wife of the Petitioner on 28.03.2022. The medical examination of the wife of the Petitioner was also not conducted. To the contrary, the Petitioner was asked to write a compromise letter and he with his wife were asked to leave the Police Station in the wee hours at about 12:15 AM on 29.03.2021.

17. In the morning of 29.03.2021, Petitioner was astounded to find that an FIR No.140/2021 dated 29.03.2021 had been registered against him on false allegations of Respondent No.2 including that she was brutally beaten by the Petitioner and of having suffered fractured leg, even though he was the victim in the entire incident.

18. Eventually after much follow up, cross FIR No.150/2021 dated 01.04.2021 was registered on the Complaint of the Petitioner's wife against Respondent No.2, her daughter and the grandson under Section 323/354/506/509/34 IPC.



19. ***The Petitioner has sought the quashing of FIR No.140/2021 dated 29.03.2021 registered against him on the Complaint of Respondent No.2*** on the grounds that he has been falsely implicated in this FIR on the complaint of Respondent No.2, with *mala fide* intention and malice as she wanted the disputed share received by the father of the Petitioner, to be deposited before the Court but to be either paid to her directly outside the Court or may be given more than the stipulated amount. With this ulterior motive to either extract money or to take money outside the Court, she abused the process of law in getting the FIR registered.

20. It is claimed that the incident of 28.03.2021 was a well planned conspiracy in which the wife of the Petitioner had been given beatings and her modesty was outraged despite which no FIR on the same day was registered on her complaint.

21. It is further asserted that as per the video available of the incident, Respondent was seen walking, fighting and hale and hearty with no signs of fracture. Any person who has a fracture, suffers huge amount of pain and cannot stand or walk. Furthermore, the first place of incident was Kalkaji Mandir Bhawan Dera premises which took place at 7:30 PM. It is asserted that the whole story is a concocted piece of conspiracy against the Petitioner and the FIR is a gross abuse of the process of the Court and the FIR is liable to be quashed.

22. ***Respondent No.2 in her detailed Reply*** while detailing the various civil litigations undergoing between the families in regard to



the share in the Bari from performing Puja Sewa at Shree Kalkaji Mandir claimed that on 28.03.2021, Petitioner and his four accomplices attacked her, abused her in foul and objectionable language with an intent to outrage her modesty. On her complaint, FIR No.140/2021 dated 29.03.2021 was recorded under Section 323/341/506/509/34 IPC.

23. Her statement was also recorded under Section 164 Cr.P.C and Section 354A IPC was added, which has been intentionally concealed by the Petitioner. The Chargesheet has still not been filed in this FIR despite lapse of 1 year and 10 months. Such delay is prejudicial to the interest of Respondent No.2 for which she has made representations to the DCP South-East, New Delhi and DCP, Barakhamba, New Delhi.

24. Respondent No.2 has further asserted that three days after registration of FIR against the Petitioner, Smt. Aarti Pandey, wife of the Petitioner made a false complaint on which FIR No.150/2021 dated 01.04.2021 P.S. Kalkaji has been registered against her, her daughter, Smt. Aarti and minor grandson. It is claimed that this FIR is actuated with malafide and laced with afterthought besides being false, frivolous and counterblast to FIR No.140/2021.

25. Sh. Mahender Kumar Pandey and the Petitioner, Sh. Bishan Swaroop had filed CM (Main) Petition No.323/2021 around 06.04.2021 before this Court where in judgment dated 16.04.2021, it was found *prima facie* that Mahender Kumar Pandey had



monopolized the Bari/turn and the related rights is not giving proper accounts qua the Bari. It was further held that 1/6<sup>th</sup> share of Bishan Swaroop was clearly determined by the learned Trial Court *vide* Judgment and Decree dated 28.10.2014.

26. This Court *vide* Order dated 10.05.2021 directed Sh. Mahender Kumar Pandey to place complete accounts of collections during the 2<sup>nd</sup> Shasmahi Bari/turn. He filed a Compliance Affidavit dated 12.07.2021 wherein he stated that 1/6<sup>th</sup> share of Sh. Bishan Swaroop in the 2<sup>nd</sup> Shashmahi bari/turn came to Rs.1,86,200/-. The Compliance Affidavit conclusively confirms that Sh. Mahender Kumar Pandey and his son i.e. the Petitioner have once again looted and misappropriated 1/6<sup>th</sup> share of Bishan Swaroop out of the generated income.

27. It is further asserted that no case is made out for quashing of FIR No.140/2021, P.S. Kalkaji. Moreover, since Respondent No.2 suffered fracture of right leg, Section 325 IPC is liable to be added in the FIR.

28. **On merits**, all the averments made in the Petition are denied. It is submitted that there is sufficient evidence against the Petitioner and the four accomplices and there is no ground for quashing of FIR.

29. ***The Status Report has been filed on behalf of the State*** wherein the details about registration of FIR have been mentioned. It is also pointed out that the cross FIR No.150/2021 has been registered against Respondent No.2 and the family member including her minor



grandson. It is further submitted that there is an old dispute between the parties over the share of offerings of Kalkaji Temple and apprehending breach of peace, preventive action under Section 107/150 Cr.P.C was taken by the Police against both the parties, *vide* DD No.86A dated 25.03.2021.

30. *The learned counsel for the Petitioner in his Written Submissions* as well as in the arguments had submitted that registration of FIR is *mala fide*, based on ulterior motive of wrecking vengeance on account of pending civil litigation between the parties. The allegations made in the FIR are inherently improbable and warrant quashing.

31. Reliance has been placed on the case of *State of Haryana vs. Bhajan Lal*, 1992 Suppl. (1) 335 wherein it was observed that where there is *mala fide* established in the registration of FIR, the same must be quashed.

32. Reliance has also been placed on *Mahmood Ali vs. State of U.P.*, (2023) 15 SCC 488 wherein it was observed that inherent power under Section 482 Cr.P.C or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or criminal proceedings quashed on the ground of being manifestly frivolous or vexatious or instituted with ulterior motive for wreaking vengeance, the Court owes a duty to look into such FIR with care and a little more closely.

33. It is submitted that the apparent place of incident is in full public view and no independent witnesses have been cited by the



Police. The MLC of the Complainant also does not support her allegations of severe beatings. There are no bruises or lacerations noticed by the doctor at the time of her medical examination.

34. The Respondent No.2 had asserted that filthy abuses were hurled at her, but no word allegedly uttered have been stated by her in her Complaint or in her statement under Section 164 Cr.P.C. The allegations of touching the chest at the time of beatings, has been made for the first time on 31.03.2021 i.e. after about 4 days later in her statement. It is evident that the Complainant has improved her Complaint and exaggerated the allegations in order to include graver offences in the FIR.

35. Reference is made to the case of Anand Kumar Mohatta vs. State (NCT of Delhi), (2019) 11 SCC 706 wherein it has been observed that nothing in the language of Section 482 Cr.P.C restricts the exercise of power by the Court to prevent abuse of process of Court or miscarriage of justice at the stage of FIR. The High Court can exercise its jurisdiction under Section 482 Cr.P.C even when the Discharge Application is pending before the Trial Court. Rather, the abuse of process caused by FIR stands aggravated where the Chargesheet has been filed after investigations, and the powers can still be exercised to prevent abuse of the process of law by the Courts.

36. Similarly, reliance has been placed on Kailashben Mahendrabhai Patel and Ors vs. State of Maharashtra and Anr, 2024 SCC Online SC 2621 wherein the observations made in Anand Kumar



Mohatta have been endorsed.

37. Similarly, in *Madhushree Datta vs. State of Karnataka*, 2025 SCC Online SC 165 in the context of Section 509 IPC, it has been observed that it is essential to first understand the meaning of the term “modesty” to determine whether modesty has been insulted. It is an attribute associated with female human being as a class. It is a virtue which attaches to a female owing to her sex. The term “*filthy language*” when examined in isolation and without any contextual framework or accompanying words indicating an intent to insult the Complainant’s modesty, does not fall within the purview of Section 509 IPC. Had there been references to specific words used, contextual details, or any gestures-whether preceding, succeeding or accompanying these words, that could demonstrate a criminal intent to insult the modesty and it might assist the prosecution in establishing the case against the Appellant.

38. It is, therefore contended that the impugned FIR is motivated with malice and ulterior motive and is liable to be quashed under Section 482 Cr.P.C.

39. *The learned counsel on behalf of Respondent No.2 in his Argument* has contended that Chargesheet already stands filed and the matter is listed for *Arguments on Charge*.

40. There are specific averments made in the Complaint which disclose the commission of the offence for which FIR has been registered. Even after due investigations, the allegations have been



found to be correct and Chargesheet already stands filed.

41. It is, therefore, submitted that cross FIR No.150/2021 had been registered as a counterblast against the Respondent No.2 only with an intent to coerce her to withdraw the present FIR. It is submitted that there is no merit in the present Petition and is liable to be rejected.

42. **Submissions heard and record perused.**

43. Before embarking on the merits of the case, it is pertinent to refer to the inherent powers under Section 482 Cr.P.C and extraordinary powers under Article 226 of the Constitution and to delineate the circumstances when such extraordinary power may be exercised to quash the FIR.

44. A three Judge Bench of the Apex Court in the case of State of Karnataka vs. L. Muniswamy, 1977 SCC (Cri) 404 had observed that this power to quash a proceeding is a *wholesome power* which must be exercised only if the High Court comes to the conclusion that allowing the proceedings to continue would be an abuse of the process of the Court or that the ends of justice require the proceedings to be quashed.

45. The Bench also observed that *in a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like, would justify the High Court in quashing the proceedings in the interest of justice which are much higher than the ends of mere law, though justice has got to be administered according to the laws made by the Legislature.*



The compelling necessity for making these observations is that without a proper realisation of the object and purpose of the provisions which seeks to save the inherent powers of the High Court to do justice between the State and its subjects, it would be impossible to appreciate the width and contours of this salient jurisdiction.

46. The three Judge Bench of the Apex Court in the case of *State of Karnataka vs. M. Devendrappa*, (2002) 3 SCC 89 similarly observed that all Courts whether civil or criminal, possess even in the absence of any express provision, an inherent power necessary to do the right and to undo a wrong in the course of administration of justice on the principle *quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsa esse non potest* (when the law gives a person anything, it gives him that without which it cannot exist). While exercising powers under the Section, the Court does not function as a Court of Appeal or Revision.

47. Further it was observed that the inherent jurisdiction is to be exercised *ex debito justitiae* to do real and substantial justice for the administration of which the Courts exist. *When a Complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.*

48. Likewise, in the case of *Mahmood Ali*, (supra) it was observed that when a party approaches this Court either for invoking inherent powers under Section 482 Cr.P.C. or extraordinary jurisdiction under



Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive or for wreaking vengeance, then *in such circumstances the Court owes a duty to look into the FIR with care and a little more closely*. It was further observed that once a Complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, then he would ensure that the FIR/Complaint is very well drafted with all the necessary pleadings. The Complainant would ensure that the averments made in the FIR/Complaint are such that they disclose the necessary ingredients to constitute the alleged offence. *Therefore, it will not be just enough for the Court to look into the averments made in the FIR/Complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence, are disclosed or not. In frivolous and vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case, over and above the averments made in the Complaint and if need be, due care and circumspection must be exercised to try to read in between the lines.*

49. In the case of R.P. Kapur vs. State of Punjab, AIR 1960 SC 866, it was observed that the inherent powers to quash the proceedings may be exercised in the following circumstances:-

- (i) *Where the manifestly appears that there is a legal bar against the institution or continuance example 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;*
- (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.*

50. It was further explained that while 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. While exercising jurisdiction under Section 482 of Cr.P.C. 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 its accusation would not be sustained; that is the function of the Trial Court.*

51. Supreme Court in the case of Bhajan Lal, (supra) while giving the categories of cases in which the power under Section 482 Cr.P.C to quash the proceedings may be exercised, observed :-

*“Where a criminal procedure is manifestly attended with malafide 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 grudges”*

52. Therefore, it is not in dispute and is well settled that where an FIR is shown to be motivated by malice and ulterior motive, the Court must not withhold exercising of inherent power to quash the FIR,



even though the Chargesheet may have been filed.

53. However, it needs to be examined **whether the present case is of one such incident which merits quashing of FIR No. 140/2021.**

54. It is an admitted case that the parties have a long drawn Civil dispute in regard to sharing of the Bari from Kalkaji Temple and there has been litigations since 1978.

55. The Petitioner had a dispute in claiming the 1/6<sup>th</sup> share of Ram Swaroop in addition to his 1/6<sup>th</sup> share in the Bari which has been a subject matter of adjudication by this Court. There have also been Orders from time to time directing the various branches of the family in depositing the Bari in regard to their respective shares.

56. It is also not in dispute that on account of the forthcoming Puja, there was an incident which took place on 25.03.2021 wherein both the Petitioner and the Respondent No.2 were booked in a *Kalandra* under Section 107/150 Cr.P.C. vide DD No.86A dated 25.03.2021. It was found from the circumstances that the situation was very tense and the act of the opposite person may lead to commission of a cognizable offence near Kalkaji Temple and there was every possibility of disturbance of public peace and tranquillity. The *Kalandra* under Section 107/150 Cr.P.C was accordingly prepared and sent to SCM Court for necessary action.

57. This apprehension also found a manifestation on 28.03.2021 (*the incident on the basis of which present FIR was registered*) whereby a fight ensued between the Respondent No.2 and her family



members and the Petitioner and his wife. The present FIR No.140/2021 got registered on 29.03.2021 against the Petitioner and others.

58. Pertinently, earlier Complaint made by the wife of the Petitioner allegedly was not registered on the same day i.e. 28.03.2021. However, on the said Complaint, the FIR No.150/2021 dated 01.04.2021 was registered by the police, i.e. after 4 days, against the Respondent No.2 and others under Section 323/354/506/509/34 IPC.

59. Thus, on the same incident of 28.03.2021, cross FIR No.150/2021 has been registered against Respondent No.2 and her family members thereby clearly establishing that a fight in fact took place. There is nothing at this stage whereby the happening of the incident itself gets disproved. The observations made in *Bhajan Lal*, (supra) about the quashing of FIR *on account of malice*, is not applicable in the present case especially when the incident itself is not in dispute.

60. As has been succinctly stated in the *case of R.P. Kapur*, (supra), where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced and clearly or manifestly fails to prove the charge, the FIR must be quashed. So, in the present case, at this stage, the statements of the Prosecution witnesses and Medical Record, relied in the Chargesheet cannot be disbelieved.

61. It was further observed in the *case of R.P. Kapur* (supra) that



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 its accusation would not be sustained; that is the function of the Trial Court.*

62. The two Judge bench of the Apex Court in State of A.P vs. Golconda Linga Swamy, (2004) 6 SCC 522 elaborated the *types of materials* that the High Court can assess to quash an FIR. It was observed that there was a fine distinction between *consideration of materials* that was tendered as evidence and *appreciation of such evidence*. Only such material that manifestly fails to prove the accusation in the FIR, can be considered for quashing an FIR. *When a Complaint is sought to be quashed, it is permissible to look into the materials to assess what the Complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.*

63. From the averments made by the Petitioner, it is ***evident that a fight did take place on 28.03.2021***, between the two Groups. The Respondent No.2 allegedly suffered a fracture of her leg. The Petitioner has tried to dispute it by claiming that while fighting, she was seen hale and hearty and hitting and abusing his wife, as also recorded in the Video. However, it is the case of Respondent No.2 that because of the beatings and injuries inflicted upon her, she suffered a fracture of the leg. *Prima facie* these averments are duly supported by the MLC.

64. It is the case of the Petitioner that his wife was the victim and



that he was not the aggressor, but that is all a matter of trial. At this stage, there is nothing from where it can be inferred that all the allegations made are incorrect or that it is a case where the Petitioners are entitled to be discharged. Whether an offence under Section 354A IPC is made out on the basis of the statement under Section 164 Cr.P.C of the Respondent No.2, again is a matter to be considered on its merits and no *mini trial* to adjudicate on the correctness of the evidence, can be undertaken at this stage when quashing of FIR is sought.

65. In the case of Mahmood Ali, (supra) a word of caution was given that Complainant would ensure that the averments made in the FIR/Complaint are such that they disclose the necessary ingredients to constitute the alleged offence. *Therefore, it will not be just enough for the Court to look into the averments made in the FIR/Complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence, are disclosed or not. In frivolous and vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case, over and above the averments made in the Complaint and if need be, due care and circumspection must be exercised to try to read in between the lines.*

66. However, in the present case, the incident has not taken place in isolation, but in public place where there were many persons present. Therefore, it is not a case based solely on the alleged crafted



Complaint of the Respondent No.2, but the Prosecution has relied on other evidence as well, the credibility of which would necessarily require trial.

67. Further while merely because Chargesheet has been filed, may not be a limiting factor in considering the quashing under Section 482 Cr.P.C., but the parameters for quashing as detailed by Apex Court in the aforesaid judgements, are not made out in the present Petition. It may also be noted that similar Petition being W.P.(Crl.) 2171/2021 for quashing of FIR No. 150/2021 dated 01.04.2021 registered against Respondent No.2 on the Complaint of wife of the Petitioner, has already been dismissed *vide* Order dated 03.04.2025.

68. There is no ground whatsoever for quashing of FIR No. 140/2021 dated 29.03.2021, P.S. Kalkaji. The Petition is *hereby, dismissed* with the observations that nothing stated herein is an expression on the merits of the case and the Petitioner is at liberty to raise his contentions before the learned Trial Court at the time of arguments on charge and at any other appropriate stage.

69. The Petition along with pending Application(s), is accordingly dismissed.

**(NEENA BANSAL KRISHNA)  
JUDGE**

**APRIL 4, 2025**

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