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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% *Date of decision: July 14, 2025*
+ **CRL.M.C. 853/2021 & CRL.M.A. 4236/2021**

NIMESH KUMARPetitioner
Through: Mr. Sanjay Singh, Advocate

versus

STATE (NCT) OF DELHIRespondent
Through: Mr. Yudhvir Singh Chauhan, APP for
the State

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. Petition under Section 482 of the Code of Criminal Procedure, 1973 has been filed seeking quashing of charge-sheet dated 13.04.2018 under Sections 354/354A/451/506/34 IPC and the Summoning Order dated 11.12.2018 in pending before the learned MM.
2. It is submitted that the FIR No. 0883/2015 was registered on 15.09.2015 and the charge-sheet got filed on 13.04.2018. The FIR was registered on the complaint of the Prosecutrix.
3. It is submitted that the Prosecutrix is the wife of Mr. K with whom the Petitioner (Accused) had some money transaction. It is explained that Mr. K was known to the Petitioner and he was introduced by the seniors of the Petitioner when he was working with earlier company. On 03.05.2015, Mr. K visited the residence of the Petitioner and took medicines with the Petitioner for Rs.10,500/- and promised to pay the same within one week. However, he



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did not pay the money and when the Petitioner started demanding, he gave lame excuses every time. The Petitioner thus made a complaint dated 08.08.2015 against Mr. K at P.S. Kalyan Puri bearing complaint No. PS-1427. Though no acknowledgment was given by the Police.

4. The HC Rajesh Kumar assured the Petitioner to get back the money from Mr. K. The Petitioner used to inform HC Rajesh Kumar about each and every update. On 10.08.2015, on the instance of HC Rajesh Kumar, Petitioner went to the house of Mr. K and called from the ground floor to enquire if he was present in the house. On hearing his voice, one lady came and asked him to leave the house at once or else she would implicate him falsely in the case. The Petitioner got scared and left the place immediately and reported the same to HC Rajesh Kumar. The husband and the Respondent No. 2 had threatened to implicate the Petitioner in the false FIR pertaining to molestation. The telephone calls had been recorded by him on his cell phone device, copies of which have been placed on record.

5. It is asserted that the Petitioner was informed by SI Rajeev Gautam on 15.09.2015 about registration of FIR against him and asked him to join investigations. The quashing of the chargesheet and the proceedings therein have been sought to be quashed on the grounds that the complaint made by Respondent No. 2 is false and baseless. The cognizance has been taken mechanically by the learned MM on the baseless chargesheet without applying the judicial mind for appreciating the documents filed with the chargesheet. There are contradictions in the FIR and chargesheet clearly reflecting the total false and frivolous nature of the allegations which are counterblasts to the complaint dated 08.08.2015. The FIR has been filed only to avoid the financial liability of the husband.



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The objections raised herein can be addressed at the time of arguments on charge.

11. The grounds taken in the Petition for quashing of chargesheet have no merit. The transcripts of the conversations between the Petitioner and police officials and the husband of the Complainant were not supported by the actual audio recording which was not presented to the IO for verifying the authenticity of the conversations. The Investigation is barred by delay and laches, which is therefore liable to be dismissed.

12. Submissions heard and record perused.

13. The FIR was registered on 15.09.2015 on the statement of Respondent No. 2 who had specifically averred that the Petitioner has been visiting her house as soon as the husband leaves since almost a month. It was the third time on 14.09.2015 that he visited his house and threatened her and further stated that he would humiliate her and kill the husband. He grabbed her scarf and as soon as she made a PCR call, he and his two friends got down and went away immediately. She further stated that there are some disputes between the Petitioner and her husband over some money transaction.

14. This complaint led to the registration of FIR in which the chargesheet already stands filed on 13.04.2018.

15. The main ground seeking quashing of the FIR is that it is motivated since there was a money transaction between the Petitioner and the husband of Respondent No. 2 for which the Petitioner had even made a complaint on 08.08.2015 in the Police Station.

16. There may have been money transactions but that in itself cannot be a ground to presume that there was a false implication of the Petitioner rather from his own averments that he had been going to the house of the



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Respondent No. 2 on the asking of HC Rajesh Kumar rather less credence and corroboration to the averments made in the complaint that the Petitioner had been visiting the house of the Respondent No. 2 in the previous month and the date of incident was his third visit to their house.

17. The second ground for seeking quashing is that there has been an inordinate delay in filing the chargesheet which has been filed after almost 03 years of registration of FIR. While in certain cases, inordinate delay coupled with other factors may be considered as a ground for quashing of chargesheet but in the present case, not only has the chargesheet been filed within the period of limitation but there are also specific allegations for which chargesheet has been filed under Sections 354/354A/354B/431/506/34 IPC. Looking at the offences under which the chargesheet has been filed and the allegations made in the complaint, it cannot be said that there has been any inordinate delay. Even if there is some delay, that cannot be a ground to discredit the specific allegations made by the Complainant.

18. Considering the nature of the allegations, the filing of chargesheet after more 2.5 years, cannot be a sole ground for quashing of FIR.

19. The third ground which has been contended by the Petitioner is that he has various telephonic conversations between him and the husband of the Complainant to corroborate his defence. However, these telephonic conversations firstly, have not been submitted to the IO nor do they form a part of the chargesheet. Furthermore, these alleged transcripts only record the conversations between the husband and the Petitioner showing about the money transaction rather these conversations do corroborate the allegations made in the complaint that there was some dispute about money transaction which also gets corroborated and is admitted by the Petitioner in his Petition.



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20. It may also be noted that the chargesheet was filed in April, 2018 and the Petitioner was summoned in December, 2018 but the present Petition has been filed only on 04.03.2021 i.e. after more than 02 years. There is no explanation forthcoming as to why the Petitioner took this much time for seeking the quashing of chargesheet.

21. It is a settled law that once the chargesheet has been filed, the Petitioner/Accused must contest the chargesheet by administrative filing of arguments on charge and thereafter, there are no circumstances disclosed in the Petition, which merit the quashing of the chargesheet.

22. The Petition alongwith pending Application is hereby dismissed with liberty to the Petitioner to raise all these contentions before the learned Trial Court.

**NEENA BANSAL KRISHNA
(JUDGE)**

JULY 14, 2025

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