



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

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*Reserved on: 21<sup>st</sup> April, 2025  
Pronounced on: 17<sup>th</sup> July, 2025*

+ CRL.M.C. 196/2021, CRL.M.A. 996/2021

1. **MOHD. ANWAR**

S/O – Saeed Ahmed

Residing at: Vill-Jogipura, Distt Saharanpur, U.P.,

2. **AMIR HASAN**

S/O – Mohd Kasin

Currently Residing at: 3175, Gali Pahari,

Fatak Teliyan, Turkman Gate, Chandani Mahal, Central Delhi

3. **MOHD. AFTAB**

S/O – Hazi Mohd Usman

Currently Residing at: 3204, Gali Pahari,

Fatak Teliyan, Turkman Gate, Chandani Mahal, Central Delhi

4. **MOHD. SALMAN**

S/O – Lt Mohd Rafiq

Currently Residing at: 3205, Gali Pahari,

Fatak Teliyan, Turkman Gate, Chandani Mahal, Central Delhi

5. **SAFIQUIDDIN**

S/O – Lt Kamruddin

Currently Residing at: 3206, Fatak Teliyan,

Turkman Gate, Delhi, Chandani Mahal, Central Delhi .....Petitioners

Through: Ms. Ashima Mandla & Ms.Mandakini  
Singh, Advocates.

versus

**STATE NCT OF DELHI**

through SHO, PS: Chandni Mahal

.....Respondent

Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Nitish Dhawan,



Mr. Rahul Kochar, Ms. Chavi Lazarus and Ms. Sanskriti Nimbekar, Advocates with SI Samender Singh, P.S.Chandni Mahal.

+ CRL.M.C. 1181/2021, CRL.M.A. 6045/2021

**1. MOHD. TAYYAB**

S/O – Mohd Saleem @ Salim  
Residing At: Vill-Jaldehda, PS Behat, Distt Saharanpur, Uttar Pradesh

**2. MOAZIM RIYASAT**

S/O – Rishala @ Risala  
Currently Residing at: Vill-Sultan Pur Hatana, PS Baghpat, Baghpat, Uttar Pradesh

**3. SADAR IRFAN**

S/O – Abdul Salam  
Currently residing at: 1813, Sui Walan Darya Ganj Delhi, Chandani Mahal, Central Delhi

**4. MUKTARA @ MUKHTAR ALI**

S/O – Azmar Ali @ Asgar Ali  
Currently Residing at: (R/O) 1835 Suiwalqan Daryaganj Delhi, Chandani Mahal, Central Delhi .....Petitioners

Through: Ms. Ashima Mandla and Ms. Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**

through SHO, PS: Chandni Mahal .....Respondent

Through: Mr. Amol Sinha, ASC for State with Mr. Kshitiz Garg, Mr. Nitish Dhawan, Mr. Rahul Kochar, Ms. Chavi Lazarus and Ms. Sanskriti Nimbekar,



Advocates with SI Samender Singh,  
P.S.Chandni Mahal.

+ CRL.M.C. 1182/2021 & CRL.M.A. 6047/2021

1. **MOHD TAHIR HUSSAIN**  
S/O – MOHD IMAMUDDIN  
RESIDING AT: 1745, KUCHA DKHANI RAI, PATAUDI  
HOUSE, DARYA GANJ DELHI, CHANDNI MAHAL,  
CENTRAL, DELHI, INDIA
2. **SHAMIM AKHTAR**  
S/O – HASIB ASLAM  
RESIDING AT: VILL – JIGHI PS MAHAGAMA, DISTT  
GODDA, GODDA, JHARKHAND, INDIA
3. **TAIJUMAL ISLAM**  
S/O ABDUL KALAM  
RESIDING AT: CHABATTI, P.S. NORTH LAKHINPUR,  
ASSAM- 787051
4. **ATTAR REHMAN**  
S/O HAIBIBAR  
RESIDING AT: BANKRA NEW AREA, AIRPORT NORTH  
24, PORGANAS, KOLKATA-700051 .....Petitioners

Through: Ms. Ashima Mandla and Ms.  
Mandakini Singh, Advocates.

versus

**STATE (NCT OF DELHI)**

through SHO, PS: Chandni Mahal

.....Respondent

Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Nitish Dhawan,  
Mr. Rahul Kochar, Ms. Chavi  
Lazarus and Ms. Sanskriti Nimbekar,



Advocates with SI Samender Singh,  
P.S.Chandni Mahal.

+ CRL.M.C. 197/2021 & CRL.M.A. 998/2021, CRL.M.A. 3948/2022

**1. SAYEED ULLA JAMA**

S/O – SAMAD KHAN  
H.N. 39 BADI MASJID  
CHATTA LAL MIYANH  
DARIYAGANJ, DELHI

**2. MOAZIN**

S/O – NAZEER AHMAD  
CURRENTLY RESIDING AT: ALIPUR, UTTAR PRADESH,  
MEERUT

**3. MOHAMMAD HARISH**

S/O – MOHAMMAD RAI SUDDIN  
CURRENTLY RESIDING AT: VILLAGE PHOOL BASTI, PS  
RANIGANJ, ARARIA, BIHAR, INDIA

**4. MOINUDDIN**

S/O – QYAMUDDIN  
CURRENTLY RESIDING AT: M.NO.36, CHATTA LAL MIAN,  
DARIYAGANJ, NEW DELHI

**5. GULZAR QURESHI**

S/O – RIZUDDIN  
CURRENTLY RESIDING AT: 430 CHATALAL MIYA GALI  
PAHAD WALI, DELHI. ....Petitioners

Through: Ms. Ashima Mandla and Ms.  
Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**

through SHO, PS: Chandni Mahal

.....Respondent



Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Nitish Dhawan,  
Mr. Rahul Kochar, Ms. Chavi  
Lazarus and Ms. Sanskriti Nimbekar,  
Advocates with SI Samender Singh,  
P.S.Chandni Mahal.

+ CRL.M.C. 2100/2021, CRL.M.A. 14116/2021, CRL.M.A. 3961/2022  
CRL.M.A. 3962/2022

1. **MAJID MIYAN**  
S/O – MAQBOOL MIYAN  
CURRENTLY RESIDING AT: 24A, SAEED COLONY,  
BERASIYA ROAD, KAROND HOUSING BOARD, HUZUR,  
BHOPAL
2. **BASHEER ALI**  
S/O – FAYYAZ ALI  
CURRENTLY RESIDING AT: 36, RAJIV AMAN COLONY,  
BHOPAL, M.P.
3. **MOHD. BILAL SHEIKH**  
S/O – MUHAMMAD THALU SHEIKH  
CURRENTLY RESIDING AT: SANEECHRI TORI, SAGAR,  
M.P.
4. **NIYAZUDDIN**  
S/O – KADER KHAN  
CURRENTLY RESIDING AT: RUSLI JAMA MASJID, HOUSE  
NO. 91/92, BHOPAL
5. **PARVEZ KHAN**  
S/O – YUNUS KHAN  
CURRENTLY RESIDING AT: NEAR J.P. ABASTHI,  
KRISHNA
6. **NOOR BANO**



W/O – MAJID MIYAN  
CURRENTLY RESIDING AT: 24-A, SAEED COLONY,  
BERASIYA ROAD, KAROND HOUSING BOARD, HUZUR,  
BHOPAL

7. **NASHREEN KHAN**  
D/O – ABDUL VAHID KHAN  
CURRENTLY RESIDING AT: SANEECHRI TORI, SAGAR,  
M.P.

8. **SHAHIN BEE**  
W/O – BASHEER ALI  
CURRENTLY RESIDING AT: 36, RAJIV AMAN COLONY,  
BHOPAL, M.P.

9. **SHABNAM BEE**  
W/O – NIYAZUDDIN  
CURRENTLY RESIDING AT: RUSLI JAMA MASJID,  
HOUSE NO. 91/92, BHOPAL

10. **RUBINA BANO**  
W/O – PARVEZ KHAN  
CURRENTLY RESIDING AT: NEAR J.P. ABASTHI,  
KRISHNA GANJ WARD, SAGAR, M.P. ....Petitioners

Through: Ms. Ashima Mandla and Ms.  
Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**  
through SHO, PS: Chandni Mahal .....Respondent

Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Nitish Dhawan,  
Mr. Rahul Kochar, Ms. Chavi  
Lazarus and Ms. Sanskriti Nimbekar,  
Advocates with SI Samender Singh,  
P.S.Chandni Mahal.



+ CRL.M.C. 315/2021, CRL.M.A. 1604/2021, CRL.M.A. 3907/2022

**RIZWAN**  
S/O RIYAZUDDIN  
1909 MOHALLA  
QUBRISTAN TURKMAN  
GATE DELHI-6

.....Petitioner

Through: Ms. Ashima Mandla and Ms.  
Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**  
through SHO, PS: Chandni Mahal

.....Respondent

Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Nitish Dhawan,  
Mr. Rahul Kochar, Ms. Chavi  
Lazarus and Ms. Sanskriti Nimbekar,  
Advocates with SI Samender Singh,  
P.S.Chandni Mahal.

+ CRL.M.C. 316/2021 & CRL.M.A. 1607/2021

**FEROZE SIDDIQUI**  
S/O SHAMIN AHMED  
1951 GALI INLAZIR BEG  
TURKMAN GATE, DELHI

.....Petitioner

Through: Ms. Ashima Mandla and Ms.  
Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**  
through SHO, PS: Chandni Mahal

.....Respondent

Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Nitish Dhawan,  
Mr. Rahul Kochar, Ms. Chavi



Lazarus and Ms. Sanskriti Nimbekar,  
Advocates with SI Samender Singh,  
P.S.Chandni Mahal.

+ CRL.M.C. 382/2021, CRL.M.A.2011/2021 & 3920/2022

**1. ABDUL WAHID**

S/O –LATE ZAHID HASAN

CURRENTLY RESIDING AT: GALI BAHAR, ALI D.GATE

**2. MOHOMMED NOSAD**

S/O – MOHOMMED SWADKEEN

CURRENTLY RESIDING AT: 1230, RAKABGANJ, BEHIND  
DELITE CINEMA, DELHI 110002

.....Petitioners

Through: Ms. Ashima Mandla and Ms.  
Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**

through SHO, PS: Chandni Mahal

.....Respondent

Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Nitish Dhawan,  
Mr. Rahul Kochar, Ms. Chavi  
Lazarus and Ms. Sanskriti Nimbekar,  
Advocates with SI Samender Singh,  
P.S.Chandni Mahal.

+ CRL.M.C. 384/2021 & CRL.M.A. 2014/2021

**1. MOHD. AMANULLAH**

S/O – MOHD AZIM

CURRENTLY RESIDING AT: VILL – INDERPUR, PS  
CHATTARPUR, DISTT – SUPAUL, SUPAUL, BIHAR, INDIA  
NATIONALITY – INDIAN

**2. SAHA ALAM SHEKH**



S/O – KASIM SEKH  
 CURRENTLY RESIDING AT: BANIBADA BELEKHALL  
 PASCHIM PARA NIKARIGHATA CANNING 24 PARGA  
 CANNING JOYRAMKHALI NORTH TWENTY FOUR  
 PARGANAS WEST BENGAL-743329  
 NATIONALITY – INDIAN

3. **MOHD. YASHIN**  
 S/O –MOHD. YUNUS  
 CURRENTLY RESIDING AT: 1688, SUI WALAN GALI TAKHAT  
 WALI DARYA GANJ, DELHI  
 NATIONALITY – INDIAN
4. **SHEHZAD**  
 S/O –ABDULLAH  
 CURRENTLY RESIDING AT: 2729, JHUGGI H.C. SEN MARG  
 CHANDNI CHOWK, DELHI-110006
5. **MOHD. SHAKIR**  
 S/O –ABDUL HAMIL  
 CURRENTLY RESIDING AT: 400 CHATTA LAL MYAN,  
 DARYA GANJ, DELHI-110002
6. **HUSSAIN ALI**  
 S/O –JAHUR UDDIN  
 CURRENTLY RESIDING AT: VILLAGE UDAKATI, P.S.  
 LAHORI GATE, SUB DIV-MORIGAON, DISTRICT MARIGAON,  
 ASSAM .....Petitioners

Through: Ms. Ashima Mandla and Ms.  
 Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**  
 through SHO, PS: Chandni Mahal .....Respondent

Through: Mr. Amol Sinha, ASC for State with  
 Mr. Kshitiz Garg, Mr. Nitish Dhawan,



Mr. Rahul Kochar, Ms. Chavi Lazarus and Ms. Sanskriti Nimbekar, Advocates with SI Samender Singh, P.S.Chandni Mahal.

+ CRL.M.C. 385/2021 & CRL.M.A. 2023/2021, CRL.M.A. 3913/2022

**1. MOTI UR REHMAN**

S/O – MD NURUL

CURRENTLY RESIDING AT: WARD NO 04, MAHICHANDA, NEAR SCHOOL, MIRZAPUR KOTHI, SIMRAHA, ARARIA, BIHAR-854318

NATIONALITY – INDIAN

**2. MOHD MUKHTAR**

S/O – MOHD DAUD

CURRENTLY RESIDING AT: 122, CHAMAN WALI GALI, DARYA GANJ, CENTRAL DELHI, DELHI-110002

NATIONALITY – INDIAN

**3. MOHD HUZAIFA**

S/O – SAMI AHMED

AGED ABOUT 39 YEARS

CURRENTLY RESIDING AT: 10, GALI CHAMAN WALI, CHHATTA LAL MIAN, DARYA GANJ, CENTRAL DELHI, DELHI-110002.

.....Petitioners

Through: Ms. Ashima Mandla and Ms. Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**

through SHO, PS: Chandni Mahal

.....Respondent

Through: Mr. Amol Sinha, ASC for State with Mr. Kshitiz Garg, Mr. Nitish Dhawan, Mr. Rahul Kochar, Ms. Chavi Lazarus and Ms. Sanskriti Nimbekar,



Advocates with SI Samender Singh,  
P.S.Chandni Mahal.

- + CRL.M.C. 402/2021, CRL.M.A.2111/2021, 3910/2022
1. **MOHD. MASOOD**  
S/O – MOHD IDRIS  
CURRENTLY RESIDING AT: 4097/GALI I MAM  
NATIONALITY – INDIAN
  2. **JUNAID**  
S/O – QAYAMUDDIN  
CURRENTLY RESIDING AT: 179-GALI MATA WALI  
NATIONALITY – INDIAN
  3. **MOHD. ASIF**  
S/O – WAHABUDDIN  
CURRENTLY RESIDING AT: 498 GALI BAHAR WALI  
NATIONALITY – INDIAN
  4. **AMINUDDIN**  
S/O – HAQIMUDDIN  
CURRENTLY RESIDING AT: 515 CHATTA LAL MIAN  
NATIONALITY – INDIAN
  5. **MOHD. ARIF**  
S/O – MOHD YUNUS  
CURRENTLY RESIDING AT: 192 CHATTALAL MIYAN  
NATIONALITY – INDIAN
  6. **MOHD. TAHIR**  
S/O – MOHD HARUN  
CURRENTLY RESIDING AT: 525 CHATTA LAL MIYAN  
NATIONALITY – INDIAN
  7. **FAHIMUDDIN**  
S/O – SHARIFUDDIN  
CURRENTLY RESIDING AT: 494-GALI BALTAR WALI



NATIONALITY – INDIAN

- 8. AHMED CHAUHAN**  
S/O ALTAB CHAUHAN  
CURRENTLY RESIDING AT: H.NO.105, JAAN MOHAMMAD  
APPT., AKSHA MASJID, FAIRDEAL ROAD JOGESWARI,  
WEST MUMBAI, MAHARASHTRA  
NATIONALITY-INDIAN
- 9. SEIKH AZHAR**  
S/O SEIKH ALTAF  
CURRENTLY RESIDING AT: SEIKH ASHIF SEKH ASHRAF  
NEAR AAYSHA MASJID GULISTAN NAGAR, AMRAVATI,  
MAHARASHTRA  
NATIONALITY-INDIAN
- 10. SEIKH MUNTAZIR**  
S/O SEIKH NOORU  
CURRENTLY RESIDING AT: SEIKH NOORU WARD NO.3,  
JAAM PURA KHEEL CHAUDHAR KARAJON, AMRAVATI,  
CHANDUR BAZAR, MAHARASHTRA. ....Petitioners

Through: Ms. Ashima Mandla and Ms.  
Mandakini Singh, Advocates.  
versus

**STATE NCT OF DELHI**

through SHO, PS: Chandni Mahal

.....Respondent

Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Nitish Dhawan,  
Mr. Rahul Kochar, Ms. Chavi  
Lazarus and Ms. Sanskriti Nimbekar,  
Advocates with SI Samender Singh,  
P.S.Chandni Mahal.

+ CRL.M.C. 422/2021, CRL.M.A. 2206/2021, CRL.M.A. 3900/2022

**1. SAIFUDDIN**



S/O – MOHD ZIKRIYA  
R/O 654-CHIATTA CHUHIYA MEM, BAZAR CHITLI QABAR,  
JAMA MASJID, DELHI-110006

2. **SORAO HUSAIN**  
S/O – JAMALUDDIN  
R/O NAI BASTI DHAR BHANGA DISTRICT UTTAR  
DINAJPUR WEST BENGAL

3. **MOHD. MUSTAFA**  
S/O MOHD. NOOR HASHAN  
R/O AZAD NAGAR GALI NO. 10C, NEAR MASJID  
NIZAMUDDIN, ALIGARH, UTTAR PRADESH .....Petitioners

Through: Ms. Ashima Mandla and Ms.  
Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**  
through SHO, PS: Chandni Mahal .....Respondent

Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Nitish Dhawan,  
Mr. Rahul Kochar, Ms. Chavi  
Lazarus and Ms. Sanskriti Nimbekar,  
Advocates with SI Samender Singh,  
P.S.Chandni Mahal.

+ CRL.M.C. 426/2021

1. **SHEHZAD ALI**  
S/O – ASGHAR ALI  
H NO. 21 MOHALLA BAZAR, KURAD PURKAZI,  
MUZAFFARNAGAR

2. **MOHD. WASIL**  
S/O – ABDUL RAHIM  
VILLAGE MEHCHANDA, PO MIRZAPUR, KUTHI PS SIMRHA,  
ARARI, BIHAR



**3. JAHAN UDDIN AHMED**  
 LT. ADBUL KADER SHEIKH  
 KAZIPARA PT-1 (AZAD NAGAR), CHAPAR, DHUBRI, ASSAM

**4. MOHAMMAD NOUSHAD ALAM**  
 S/O MOHD AHMED ALAM  
 R/O INDRA NAGAR, BORABANDA, HYDERABAD,  
 ANDHRA PRADESH. ....Petitioners

Through: Ms. Ashima Mandla and Ms.  
 Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**  
 through SHO, PS: Chandni Mahal ....Respondent

Through: Mr. Amol Sinha, ASC for State with  
 Mr. Kshitiz Garg, Mr. Nitish Dhawan,  
 Mr. Rahul Kochar, Ms. Chavi  
 Lazarus and Ms. Sanskriti Nimbekar,  
 Advocates with SI Samender Singh,  
 P.S.Chandni Mahal.

+ CRL.M.C. 1662/2023 & CRL.M.A. 6335/2023

**1. ASHIKILAH @ ASHIK ILAHI**  
 S/O- JALALUDDEN  
 CURRENTLY RESIDING AT: H.NO.77 SATHAMI  
 PS: LIAYANGNDI SIVGANA TAMIL NADU

**2. JALALUDDIN KURAI SI**  
 S/O- HAJI ALI AHMAD  
 CURRENTLY RESIDING AT: H.NO.3 13/82C  
 1st FLOOR TUSI NAGAR, INDERLOK, DELHI. ....Petitioners

Through: Ms. Ashima Mandla and Ms.  
 Mandakini Singh, Advocates.

versus



**STATE NCT OF DELHI**

through SHO, PS: Chandni Mahal

.....Respondent

Through: Mr. Amol Sinha, ASC for State with Mr. Kshitiz Garg, Mr. Nitish Dhawan, Mr. Rahul Kochar, Ms. Chavi Lazarus and Ms. Sanskriti Nimbekar, Advocates with ASI Om Prakash, P.S.Sarai Rohilla.

+ CRL.M.C. 1707/2023 & CRL.M.A. 6515/2023

**1. HUSSAIN**

SON OF RAHMAD

CURRENTLY RESIDING AT VILLAGE KHATELOI,  
TEHSIL-MASUDA SHYAM GARH,  
AJMER, RAJASTHAN-305623.

**2. MOHD. ASLAM @ MO. ASLAM KHAN**

SON OF SHER KHAN

CURRENTLY RESIDING AT VILLAGE KHATELOI,  
TEHSIL-MASUDA SHYAM GARH,  
AJMER, RAJASTHAN-305623.

.....Petitioners

Through: Ms. Ashima Mandla and Ms. Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**

through SHO, PS: Chandni Mahal

.....Respondent

Through: Mr. Amol Sinha, ASC for State with Mr. Kshitiz Garg, Mr. Nitish Dhawan, Mr. Rahul Kochar, Ms. Chavi Lazarus and Ms. Sanskriti Nimbekar, Advocates with SI Gajal Chugh, P.S.Krishna Nagar.

+ CRL.M.C. 1732/2023 & CRL.M.A. 6647/2023



1. **MD. UMAR**  
S/O SHAIKH KHALED  
CURRENTLY RESIDING AT KAREEM COLONY,  
NEAR IDEAL SCHOOL, BASAVAKALYAN,  
KARNATAKA- 585327
2. **SHAHROZ ANWAR @ SEHARAJ ANWAR**  
S/O SAJID ANWAR  
CURRENTLY RESIDING AT 23-25, PASH PARA STREET  
BASAVAKALYAN, KARNATAKA- 585327
3. **NOOR AHMED**  
SON OF YOUSUF  
CURRENTLY RESIDING AT 23/45, OLD WADAR GALI,  
BASAVAKALYAN, KARNATAKA-585327
4. **QADEER AHMAD**  
SON OF YOUSUF  
CURRENTLY RESIDING AT VILLAGE AND TEHSIL  
BASAVAKALYAN, KARNATAKA-585327
5. **MOHAMMAD JAHANGIR**  
SON OF AMENUDDIN  
CURRENTLY RESIDING AT 24/159 PASHAPURA,  
BHANGI BOUDI, BASAVAKALYAN, KARNATAKA-585327
6. **AZMATULLAH KHAN @ AZMATULLA KHAN**  
SON OF REHMAT ULLAH KHAN  
CURRENTLY RESIDING AT 18/179 NOOR KHAN AKHADA,  
HUMNABAD, BIDAR, KARNATAKA-585330
7. **AHMED SAYEED @ SYED AHMED SAYEED**  
SON OF SYED GHOUSE SAYEED  
CURRENTLY RESIDING AT 244/B/84, FATEH SHAH NAGAR  
EDI BAZAR, HYDERABAD, TELANGANA-500023
8. **MOHAMMAD ASHIF @ MD. ASIF**



SON OF MD. RIYAZUDDIN  
CURRENTLY RESIDING AT 5/40, MANNAEKHALLI  
BIDAR, KARNATAKA- 500023. ....Petitioners

Through: Ms. Ashima Mandla and Ms.  
Mandakini Singh, Advocates.

versus

**STATE NCT OF DELHI**  
through SHO, PS: Chandni Mahal ....Respondent

Through: Mr. Amol Sinha, ASC for State with  
Mr. Kshitiz Garg, Mr. Nitish Dhawan,  
Mr. Rahul Kochar, Ms. Chavi  
Lazarus and Ms. Sanskriti Nimbekar,  
Advocates with SI Gajal Chugh, P.S.:  
Krishna Nagar.

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

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

**NEENA BANSAL KRISHNA, J.**

1. The aforesaid Petitions have been filed under Section 482 Code of Criminal Procedure, 1973 (Cr.P.C.) seeking quashing of various FIRs under *Sections 188/269/270/271/120B IPC read with Section 3 of the Epidemic Diseases Act, 1897 and Sections 51/58 of the Disaster Management Act, 2005*, registered at P.S. Chandani Mahal, Sarai Rohilla, and Krishna Nagar between 31.03.2020 and 02.04.2020.

2. *The brief background* of the aforesaid cases leading to the registration of the aforesaid FIRs, may firstly be considered. Tablighi Jamaat, an Islamic self-reformatory movement for the followers of Islam, having its global



Headquarters at the Nizamuddin Markaz, New Delhi, organizes annual religious congregation. On the aforementioned occasion, the followers and members of the Movement from across the globe, participate in this religious congregation at the Markaz. The details of which are formalized a year in advance, for the convenience of the foreign nationals to attend the same. This year, the congregation was scheduled for early March, 2020, well before the outbreak of COVID-19 pandemic.

3. On 11.03.2020, The World Health Organization declared novel Corona Virus (Covid-19) as a pandemic. On the same date, the Ministry of Health & Family Welfare, Govt. of India notified the suspension of visas till 15.04.2020 except for a few categories such as diplomatic, official, UN / international organization, Project visa.

4. On 13.03.2020, the Delhi Government pursuant to the powers conferred by the Delhi Epidemic Diseases, Covid-19, Regulations, 2020 under the Epidemic Diseases Act, 1897, capped all sports gatherings (including IPL) / conferences and seminars at 200 persons. However, there was no mention in regard to prohibiting the religious congregations.

5. On 16.03.2020, the Delhi Government issued an Order in supersession of its earlier Order dated 13.03.2020, expanding the prohibitions to social, cultural, political, religious gatherings and academic/sports/seminars events, which was restricted to 50 persons.

6. On 22.03.2020, “Janta Curfew” was declared by Respondent No. 2 / Union of India, consequent to which a nationwide lockdown for a period of 21 days was declared to be in effect from 25.03.2020. There was four continuous extension of this Nationwide Lockdown, till 31.05.2020.



7. On 24.03.2020, ACP, Sub-Division- Darya Ganj issued an Order under Section 144 Cr.P.C. thereby prohibiting Social / Cultural / Political / Religious / Academic / Sports / Seminar / Conference in the wake of Covid-19 pandemic.
8. On 31.03.2020, Crime Branch registered FIR No.63/2020 at PS Crime Branch under Sections 188/269/270/271/120B IPC read with Section 3 of the Epidemic Diseases Act, 1897 and Sections 51/58 of the Disaster Management Act, 2005, against alleged organizers of Tablighi Jamaat. **FIR No. 63/2020** is stated to be limited to Indian Nationals and alleged organizers of Jamaat congregation at Nizamuddin Markaz.
9. Additionally, the Respondents herein registered the Impugned FIRs at PS: Chandani Mahal, Sarai Rohilla, Krishna Nagar under Sections 188/269/120B IPC, details of the same are as under:

<b>MOHD. ANWAR &amp; ORS.V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO.196 OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSONS(INDIAN NATIONALS) @Pg 9</b>	<b>QUASHING PETITION FILED PREVIOUSLY BY FOREIGN NATIONALS @Pg93</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg91</b>
<b><u>FIR NO.</u></b> <b>074/2020</b> dated 31.03.2020 u/s 188/269/270 @Pg 60	1. MOHD ANWAR 2. AMIR HASAN 3. MOHD. AFTAB 4. MOHD. SALMAN 5. SAFIQUIDDIN	Crl.M.C. No. 1685/2020 titled Thein Win &Ors. v State of NCT of Delhi & Ors.  Disposed vide order dated 24.08.2020	Choti Masjid, FatakTeliyan	23.07.2020 filed by ACP, Darya Ganj
<b>SHEHZAD ALI &amp; ANR.V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 426 OF 2021</b>				



<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSONS (INDIAN NATIONALS) @Pg 5</b>	<b>QUASHING PETITION FILED PREVIOUSLY BY FOREIGN NATIONALS @Pg88</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg84</b>
<b>FIR No. 075/2020</b> dated 31.03.2020 u/s 188/269/270/120B @Pg 55	1. SHEHZAD ALI 2. MOH. WASIL 3. JAHAN UDDIN AHMED 4. MOHAMMAD NOUSHAD ALAM	CrI.M.C. No. 1695/2020 titled Muhammad Nurdin & Ors. v State of NCT of Delhi & Ors.  Disposed vide order dated 25.08.2020	Kikar Wali Masjid, Kucha Challan, Daryaganj	24.07.2020 filed by ACP, Darya Ganj
<b>SAIFUDDIN &amp; ORS. V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 422 OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSONS(INDIAN NATIONALS) @Pg 5</b>	<b>QUASHING PETITION FILED PREVIOUSLY BY FOREIGN NATIONALS @Pg81</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg86</b>
<b>FIR No. 076/2020</b> dated 31.03.2020 u/s 188/269/270 @Pg 54	1. SAIFUDDIN 2. SORAO HUSAIN 3. MOHD. MUSTAFA	CrI.M.C. No. 1668/2020 titled Salman Alfarisi Muzakkir & Ors. v. State (NCT of Delhi) & Ors.  Disposed vide order dated 21.08.2020	Masjid Sayyed Rafi Near Chitli Qabar Delhi	24.07.2020 filed by ACP, Darya Ganj
<b>SAYEED ULLA JAMA &amp; ORS. V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 197 OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSONS(INDIAN NATIONALS) @Pg 9</b>	<b>QUASHING PETITION FILED PREVIOUSLY BY FOREIGN NATIONALS @Pg91</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg89</b>



<b>FIR No.</b> <b>077/2020</b> dated 31.03.2020 u/s 188/269/270 @Pg 58	1. SAYEED ULLA JAMA 2. MOAZIN 3. MOHAMMAD HARISH 4. MOINUDDIN 5. GULZAR QURESHI	Crl.M.C. No. 1633/2020 titled Mirwais Zama & Ors. v State of NCT of Delhi & Ors  Disposed vide order dated 11.08.2020	Badi Masjid FaarelRaandh, Chatalal Miya, Chandni Mahal	24.07.2020 filed by ACP, Darya Ganj
<b>MOHD. AMANULLAH &amp; ORS. V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 384 OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSONS (INDIAN NATIONALS) @Pg 5</b>	<b>QUASHING PETITION FILED PREVIOUSLY BY FOREIGN NATIONALS @Pg91</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg87</b>
<b>FIR No.</b> <b>082/2020</b> dated 01.04.2020 u/s 188/269/270/12 0B @Pg 53	1. MOHD. AMANULLAH 2. SAHA ALAM SHEKH 3. MOHD. YASHIN 4. SHEHZAD 5. MOHD. SHAKIR 6. HUSSAIN ALI	Crl. M.C.(Main) No. 1713/2020 titled Md. Masud Choudhury & Ors. v. State (NCT of Delhi) & Ors.  Disposed vide order dated 21.08.2020	Molvi Abdul Gani Masjid, 1669, Gali Tekhat Wali, Suiwalan, Chandni Mahal	26.07.2020 filed by ACP, Darya Ganj
<b>MOTI UR REHMAN &amp; ORS. V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 385 OF 2021</b>				
<b>FIR</b>	<b>NAME OF ACCUSED PERSONS (INDIAN NATIONALS) @Pg 5</b>	<b>QUASHING PETITION FILED PREVIOUSLY BY FOREIGN NATIONALS @Pg87</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg85</b>
<b>FIR No.</b> <b>084/2020</b> DATED 01.04.2020 u/s 188/269/270 @Pg 54	1. MOTI UR REHMAN 2. MOHD MUKHTAR 3. MOHD HUZAIFA	Crl. M.C.(Main) No. 1669/2020 titled Wawan Wahidin Syapii & Ors. v State of NCT of Delhi & Ors. Disposed vide order dated 28.08.2020	Masjid Chaman Wali, 122 Chatta Lal Miyan, Daryaganj	24.06.2020 filed by ACP, Darya Ganj



<b>MOHD. MASOOD &amp; ORS. V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 402 OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSONS(INDIAN NATIONALS) @Pg 5</b>	<b>QUASHING PETITION FILED PREVIOUSLY BY FOREIGN NATIONALS @Pg109</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg105</b>
<b>FIR No. 085/2020</b> dated 01.04.2020 u/s 188/269/270 @Pg 52	1. MOHD. MASOOD 2. JUNAID 3. MOHD. ASIF 4. AMINUDDIN 5. MOHD. ARIF 6. MOHD. TAHIR 7. FAHIMUDDIN 8. AHMED CHAUHAN 9. SEIKH AZHAR 10. SEIKH MUNTAZIR	CrI. M.C.(Main) No. 1680/2020 titled TanshanloIusup& Ors. v State of NCT of Delhi & Ors.  Disposed vide order dated 24.08.2020	Masjid Chand Wali, Chatta Lal Miyan, Daryaganj, Delhi	10.07.2020 filed by ACP, Darya Ganj
<b>ABDUL WAHID &amp; ANR. V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO.382 OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSONS(INDIAN NATIONALS) @Pg 5</b>	<b>PREVIOUS CASE NO. @Pg81</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg79</b>
<b>FIR No. 086/2020</b> dated 01.04.2020 u/s 188/269/270 @Pg 52	1. ABDUL WAHID 2. MOHOMMED NOSAD	CrI. M.C.(Main) No. 1711/2020 titled Zaw Min &Ors. v State of NCT of Delhi &Ors.  Disposed vide order dated 11.08.2020	H.No. 468 G.F. Gali Bahar Wali Chatta Lal Miya, Chandni Mahal, Delhi	24.07.2020 filed by ACP, Darya Ganj
<b>RIZWAN V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 315 OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED</b>	<b>QUASHING PETITION FILED PREVIOUSLY</b>	<b>ALLEGED</b>	<b>DATE OF COMPLAINT</b>



	<b>PERSON(S) (INDIAN NATIONALS) @Pg 5</b>	<b>BY FOREIGN NATIONALS @Pg79</b>	<b>LOCATION OF OFFENCE</b>	<b>T U/S 195 CrPC @Pg77</b>
<b>FIR No.</b> <u>089/2020</u> dated 02.04.2020 u/s 188/269/270/12 OB @Pg 52	1. RIZWAN	Crl.M.C. No. 1681/2020 titled TurgunbaevaZhyragalkan & Ors. v. State (NCT of Delhi) & Ors.  Disposed vide order dated 24.08.2020	House No. 1909, Gali Wazir Beig, Turkan Gate, Delhi	23.07.2020 filed by ACP, Darya Ganj
<b>FIROZE SIDDIQUI.V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 316 OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSON(S)(INDIAN NATIONALS) @Pg 5</b>	<b>QUASHING PETITION FILED PREVIOUSLY BY FOREIGN NATIONALS @Pg78</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg77</b>
<b>FIR No.</b> <u>090/2020</u> dated 02.04.2020 u/s 188/269/270/12 OB @Pg 52	2. FEROZE SIDDIQUI	Crl.M.C. No. 1667/2020 titled Khiva Anwar& Ors. v. State (NCT of Delhi) & Ors  Disposed vide order dated 24.08.2020	House No. 1851, Mohalla Qabristan Turkman Gate, Delhi	24.07.2020 filed by ACP, Darya Ganj
<b>MOHD. TAYYAB&amp; ORS.V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 1181OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED</b>	<b>QUASHING PETITION FILED PREVIOUSLY</b>	<b>ALLEGED</b>	<b>DATE OF COMPLAINT</b>



	<b>PERSON(S) (INDIAN NATIONALS) @Pg 5-6</b>	<b>BY FOREIGN NATIONALS @Pg.101-105</b>	<b>LOCATION OF OFFENCE</b>	<b>T U/S 195 CrPC @Pg96-100</b>
<b>FIR No. 080/2020</b> dated 01.04.2020 u/s 188/269/270/12 OB @Pg 61	1. MOHD. TAYYAB 2. MOAZIM RIYASAT 3. SADAR IRFAN 4. MUKTARA	CrI.M.C. No. 1636/2020 titled AdangSupriatana& Ors. v. State (NCT of Delhi) & Ors  Disposed vide order dated 24.08.2020	Pathan Wali Masjid Suiwalan, Daryaganj	24.07.2020 filed by ACP, Darya Ganj
<b>TAHIR HUSSAIN &amp; ORS.V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 1182 OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSON(S) (INDIAN NATIONALS) @Pg 5-6</b>	<b>QUASHING PETITION FILED PREVIOUSLY BY FOREIGN NATIONALS @Pg.101-105</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg94-97</b>
<b>FIR No. 079/2020</b> dated 01.04.2020 u/s 188/269/270/12 OB @Pg 61-67	1. MOHD. TAHIR HUSSAIN 2. SHAMIM AKHTAR 3. TAJUMAL ISLAM 4. ATTAR REHMAN	CrI.M.C. No. 1679/2020 titled Hendrison Ginting & Ors. v. State (NCT of Delhi) & Ors  Disposed vide order dated 24.08.2020	Masjid Chote Wali 1745, Kucha Dakhani Rai, Pataudi House, Darya Ganj	23.07.2020 filed by ACP, Darya Ganj
<b>MAJID MIYAN &amp; ORS.V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 2100 OF 2021</b>				
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSON(S) (INDIAN NATIONALS) @Pg 7</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC @Pg122-126</b>	
<b>FIR No. 083/2020</b> dated 01.04.2020 u/s 188/269/270/12 OB @Pg 77-84	1. MAJID MIYAN 2. BASHEER ALI 3. MOHD. BILAL SHEIKH 4. NIYAUDDIN 5. PARVEEN KHAN	Masjid Ek Minar Wali, Haweli Kalu Chitli Qabar, Darya Danj	23.07.2020 filed by ACP, Darya Ganj	



	6. NOOR BANO 7. NASHREEN KHAN 8. SHAHIN BEE 9. SHABNAM BEE 10. RUBINA RAO		
<b>HUSSAIN V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 1707 OF 2023</b>			
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSON(S) (INDIAN NATIONALS) @Pg 5-6</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC</b>
<b><u>FIR No.</u></b> <b><u>0142/2020</u></b> dated 02.04.2020 u/s 188/269/270/12 0B, S. 3 Epidemic Diseases Act, Section 51 of Disaster Management Act@Pg66-74	1. Hussain 2. Mohd. Aslam	Sunheri Masjid, Old Seelampur	None
<b>MD. UMARV. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 1732 OF 2023</b>			
<b>DETAILS OF FIR</b>	<b>NAME OF ACCUSED PERSON(S) (INDIAN NATIONALS) @Pg 5-6</b>	<b>ALLEGED LOCATION OF OFFENCE</b>	<b>DATE OF COMPLAINT U/S 195 CrPC@113</b>
<b><u>FIR No.</u></b> <b><u>0141/2020</u></b> dated 01.04.2020 u/s 188/269/270/12 0B, S. 3 Epidemic Diseases Act, Section 51 of Disaster Management Act@Pg69-74	1. Md. Umar 2. Shahroz Anwar 3. Noor Ahmed 4. Qadeer Ahmad 5. Mohd. Jahangir 6. Azmatullah Khan 7. Ahmed Sayeed 8. Mohd. Ashif	Sunheri Masjid, Old Seelampur	Undated by ACP, Gandhi Nagar
<b>ASHIKILAH V. STATE (NCT OF DELHI) CRL.MISC. (MAIN) NO. 1662 OF 2023</b>			



DETAILS OF FIR	NAME OF ACCUSED PERSON(S) (INDIAN NATIONALS) @Pg 6-7	ALLEGED LOCATION OF OFFENCE	DATE OF COMPLAINT U/S 195 CrPC@155-157
<b><u>FIR No.</u></b> <b><u>0101/2020</u></b> dated 01.04.2020 u/s 188/269/270/12 0B, S. 3 Epidemic Diseases Act, Section 51 of Disaster Management Act@Pg74-80	1. Ashikilahi 2. Jalaluddin Kuraisi	Makki Masjid, Inderlok	26.07.2020 by ACP, Sarai Rohilla

**10.** The Petitioners have asserted that thereafter, on 02.04.2020, Ministry of Health & Family Welfare, Govt. of India, unilaterally and arbitrarily blacklisted 960 Foreign Nationals, present in the country on tourism visa for alleged involvement in Tablighi Jamaat activities and further directed DGPs of all concerned States / UTs and CP, Delhi Police to take necessary legal action against all foreigners under the relevant sections of the Foreigners Act, 1946 and the Disaster Management Act, 2005. Consequently, a number of FIRs across the country in states such as Maharashtra, Madhya Pradesh, Bihar, Haryana, etc. apart from Delhi. The Foreign Nationals were served with Notices under Sections 160 and 41a Cr.P.C.

**11.** Ministry of Health & Family Welfare, Govt. of India in continuation of the Order No. 40-3/2020-DM-I(A) dated 24.03.2020, 25.03.2020 and 27.05.2020 giving Standard Operating Procedure (SOP), issued Addendum dated 02.04.2020 in order to facilitate the deportation of the asymptomatic foreign nationals of stranded in India, in chartered flights to be arranged by



concerned Foreign Government in consultation with the Ministry of Civil Aviation, owing to the outbreak of Covid-19 and the subsequent lockdowns imposed by the Centre and the State Governments.

**12.** On 09.05.2020, Office of Divisional Commissioner, Department of Revenue, Government of NCT of Delhi ordered for the release of the Indian Nationals related to the Markaz and other Masjids from institutional quarantine upon testing negative, while adhering to the Standard Operating Procedure of the various States and UTs. Between 26.05.2020 and 28.05.2020, Crime Branch filed 48 Chargesheets, 11 supplementary Chargesheets against 955 foreign nationals in connection with Tablighi Jamaat under Section 14(b) of the Foreigners Act, 1946, Section 3 of the Epidemic Diseases Act, 1897, Section 51 of the Disaster Management Act, 2005 and Sections 188/269/270/271 of IPC, before the learned CMM, South-East District, Saket Courts.

**13.** The cognizance on the Chargesheets qua 955 foreign nationals in FIR No.63/2020 was taken on 06.07.2020. From July, 2020 to August 2020, around 193 foreign nationals named in 28 additional FIRs including the impugned FIRs registered PS: Chandni Mahal, approached the Court for quashing of the FIRs under Section 482 Cr.P.C. as amounting to a second FIR and thus, barred by doctrine of *double jeopardy* enshrined under Article 20 of the Constitution of India and Section 300A of Cr.P.C. All the FIRs were transferred from the Court of concerned Magistrate (having territorial jurisdiction) to the Court of learned CMM, South-East District, Saket Courts, who was presiding over the ***FIR No. 63/2020*** registered at P.S.: Crime Branch.



**14.** It is submitted that on 04.09.2020, learned CMM, South-East District, Saket Courts, erroneously took cognizance qua Indian Nationals in the Impugned FIRs, though no cognizance has been taken qua Foreign Nationals named in the impugned chargesheet arising from the impugned FIRs.

**15.** This Court in CRL.M.C.1685/2020 titled as *Thein Win & Ors. vs. State of NCT of Delhi & Ors.*, vide order dated 24.08.2020 transferred the aforesaid FIRs to learned CMM, South-East District, Saket Courts and on the same date learned CMM, vide separate orders, discharged eight foreign nationals under Section 3 Epidemic Diseases Act, 1897, Sections 51/58 Disaster Management Act, 2005, Sections 188/269/270/271 IPC and Section 14(b) Foreigners Act, 1946.

**16.** Furthermore, Revision was filed by the State under Section 397 read with Section 401 Cr.P.C. against discharge, but the same was dismissed by learned ASJ, Saket Courts on 19.11.2020. On 15.12.2020, 36 foreign nationals were acquitted under all Sections in FIR No.63/2020.

**17.** The *quashing of aforesaid FIRs is sought on the grounds* that allegations levelled against Indian Nationals in the aforesaid FIRs, are prima facie embellishments and exaggerations which stare in the face of the record and is the abuse to the process of criminal law. The petitioners herein are being compelled to repeatedly face corresponding charges, thereby infringing upon their personal liberty.

**18.** It is further contended that allegations made against the petitioners, are that they were allegedly housed at Masjid Ek Minar, Haveli Kallu Khawas, Chitli Qabar, Delhi for some time and remained housed till intervention by the Police officials on 01.04.2020. It is asserted that the



allegations levelled in the impugned FIRs, are bereft of legality as there are no specific allegations or evidence qua Petitioners for hosting or participating a social/cultural/religious gathering which was essentially barred under Section 144 Cr.P.C.

**19.** It is further contended that on account of unforeseen turn of events, the MHA banned international flights w.e.f. 22.03.2020. Additionally, with escalation of restrictions, MHA had directed for a nation-wide Janta curfew to be observed on 22.03.2020, and subsequently, Section 144 Cr.P.C. was imposed in New Delhi on 24.03.2020. Because of these unprecedented turn of events, the Petitioners herein were stranded inside the Masjid during the course of the lockdown.

**20.** It is asserted that the allegations have been manufactured only to bring them within the four corners of criminal offence, even though they are patently false and unsubstantiated. It is submitted that total ban on movement i.e. Janta Curfew was imposed on 22.03.2020 while Section 144 was imposed on 24.03.2020 and complete nation-wide Lockdown was directed w.e.f. 25.03.2020, rendering the Petitioners remediless who had no recourse but to continue staying inside the Masjid, until taken into Institutional quarantine. The Petitioners, therefore, cannot be charged under Section 188 IPC for merely residing in a Masjid and the charges are liable to be quashed.

**21.** Reliance has been placed on *Bhoop Singh Tyagi vs. State*, 2002 SCC OnLine Del 277, wherein this Court laid down the conditions to be proved for the offence under Section 188 IPC.



22. It is further contended that Order dated 24.03.2020 under Section 144 Cr.P.C. was never promulgated within the meaning of Section 188 IPC nor were the Petitioners aware about the same. The IPC does not define the particular mode of promulgation, but the term came up for consideration in the case of *State vs. Tugla*, 1955 SCC OnLine All 282, wherein Allahabad High Court has explained the meaning of *promulgation*, which essentially is the process by which an Order is made known to the persons sought to be made bound. Private communication thereof, shall not amount to promulgation.

23. Furthermore, there is an embargo under Section 195(1)(a)(i) of Cr.P.C. prohibiting the Magistrate from taking cognizance of the offence under Section 190(1) of Cr.P.C., in absence of written Complaint of the public servant to the Magistrate concerned. The provisions of Cr.P.C. consciously differentiated between a Complaint and a Police Report and the Complaint cannot include a Police Report, even by its very definition.

24. The *offence under Section 188 IPC* is a cognizable offence as provided for in First Schedule of the Code. However, for taking cognizance of an offence under Section 188 IPC, a written complaint of the Public Servant whose order has been contravened, is mandatory. The Court on examination of Complainant and witnesses under Section 200 of Cr.P.C. may conduct an inquiry or direct investigation under Section 202 of Cr.P.C. and thereafter, may either issue process under Section 204 of Cr.P.C. or dismiss the Complaint under Section 203 Cr.P.C. The prosecution for the offence under Section 188 IPC cannot be initiated on the basis of Chargesheet filed by the Police.



25. Reference has been made to C. Muniappan & Ors. vs. State of Tamil Nadu, 2010(9) SCC 567, wherein, it has been held that cognizance of the offence under Section 188 IPC, can be taken only as per Section 195 Cr.P.C.

26. Reliance has also been placed on Raj Singh vs. State, (1998) 2 SCC 391 and Jeevanandham vs. State of Madras, CRL. OP (MD)No. 1356/2018, wherein guidelines have been issued for dealing with the offences under Section 188 IPC. The Respondent allegedly submitted the Compliant in writing under Section 195 Cr.P.C. on 23.07.2020 before learned CMM, South-East District, Saket Courts. The Chargesheet was therefore, as *void ab initio* and the Respondent cannot belatedly file a Complaint and take benefit thereof. The Charges under Section 188 IPC are therefore, liable to be quashed.

27. In respect of **Section 269 IPC**, it is submitted that the bare reading of the allegations in the Chargesheets along with Sections as defined in the IPC, no offence under this Section has been made out against the Petitioners. It has in fact, led to prejudice and stigmatization of the aforesaid persons, thereby violating their Right to Dignity embodied under Article 21 of the Constitution of India. It is asserted that the charges under Section 269 IPC are not made out. For any Petitioner to be allegedly deemed as negligent in spreading the infection, the knowledge of being infected with the disease would be an imperative condition. *In the prevailing circumstances, it is not the case of prosecution that the persons who tested positive had knowledge and were deliberately spreading the alleged infection.*

28. It is submitted that present cases are classic example wherein unsubstantiated allegations have been embellished and exaggerated with



falsehood. In the case of State of Karnataka vs. L. Muniswamy & Ors. (1997) 2 SCC 699, it has been held that the inherent power of quashing under Section 482 Cr.P.C. is the wholesome power, which entitled the High Court to quash proceedings if the ends of justice so require. Reliance has also been placed on State of Haryana and Ors. vs. Bhajan Lal and Ors., 1992 AIR SC 604 and State of Bihar and Anr. vs. J.A.C. Saldanha and Ors., 1980 1 SCC 554.

29. It is further submitted that merely because the cognizance has been taken on Chargesheets is no bar for quashing of the FIRs, as observed by the Hon'ble Supreme Court in the case of Anand Kumar Mohatta and Ors. vs. State of Government of NCT, 2018 SCC OnLine SC 2447 and in Salvaraj A. vs. State of Gujarat, (2011) 7 SCC 59. Recently, the Hon'ble High Court of Allahabad, in the case of Nadeem & Ors. vs. State of U.P., CrI. Msc. No. 9256/2020 has quashed the similar FIRs registered under Sections 188, 269, 270, 271 IPC an Section 3 of Epidemic Diseases Act, 1897, Section 7 of Criminal Law (Amendment) Act, 1932, Section 51 of Disaster Management Act, 2005 and Section 11 of Prevention of Cruelty to Animal Act, 1960. The High Court of Karnataka in the case of Farhan Hussain vs. State by Thilak Park P.S. Tumkur City State of Karnataka in Criminal Petition No. 2376/2020 quashed the FIR under similar Sections.

30. It is therefore, submitted that the FIRs and consequent proceedings emanating therefrom may be quashed.

31. **Status report** has been filed by the State wherein the contents of the Chargesheets have been reiterated and it is submitted that because of enforcement of Lockdown and immediate shifting of people to quarantine



centre, proper investigations got left out. It became difficult to prove exactly since how many days these outside people were living in the area of PS Chandni Mahal, Delhi. However, congregation of 10 people at a single place violated the Notification.

**32.** In the *subsequent Status Report of the State*, it was submitted that after investigations, *prima facie* offences were made out and Chargesheets were filed against the Members of Tablighi Jamaat, who were found in Hazrat Nizamuddin Markaz between 26.03.2020 and 31.03.2020 and were then found residing in Masjid Chand Wali, Chandni Mahal, Old Delhi on 01.04.2020.

**33.** The Petitioners in the Rejoinder have reiterated the assertions as made in their Petitions.

**34. Submissions heard and record perused.**

**35.** All the aforesaid FIRs have been registered under *Sections 188/269/270/120B IPC*. The case of the prosecution may be considered to ascertain whether the offence under the aforesaid Sections of IPC is made out.

**36.** Before embarking on the contentions raised in the aforesaid petitions, it is pertinent to note that not only has the cognizance been taken by the learned CMM, but it has also been held that *prima facie* Charges under the aforesaid Sections have been made out and the Charges were, accordingly directed to be framed. This Order of Charge has been upheld by the learned ASJ.

***I. Whether Quashing maintainable after Cognizance is taken on the Chargesheet and Charges directed to be framed -***



37. The first question which thus arises is whether the filing of the Chargesheets and framing of Charges would be an impediment before this Court to the maintainability of the Petitions under Section 482 Cr.P.C.

38. This aspect was considered by the Apex Court in Shaileshbhai Ranchhodbhai Patel & Another vs. State of Gujarat & Ors. Criminal Appeal No. 1884/2013 (decided on 28.08.2024) where it was categorically held that if upon a reading of the contents of the FIR and the Chargesheet together, the High Court while exercising jurisdiction under Section 482 Cr.P.C., is satisfied that no offence is disclosed and that the continuation of such proceedings would amount *to an abuse of the process of the Court*, then the FIR, even when the Chargesheet stands filed, may be quashed.

39. The reason for doing so emerges from the observations of the Apex Court in the case of Joseph Salvaraj A. vs. State of Gujarat, (2011) 7 SCC 59, wherein it was held that the power to examine whether a prima facie case is made out or not, *still vests with the High Court even after the filing of the filing of the Chargesheet.*

40. Similar observations were made in the case of Mamta Shailesh Chandra vs. State of Uttarakhand, 2024 SCC OnLine SC 136, Anand Kumar Mohatta vs. State(NCT of Delhi), (2019) 11 SCC 706, Abhishek vs. State of M.P., (2023) 16 SCC 666, where the Apex Court has held that when it comes to the power of the High Court to prevent the abuse of the process of court or miscarriage of justice, there is no bar to exercising such power even when the Chargesheet has already been filed. In such cases, where no prima facie case is made out or where there are no specific allegations



against the accused, the continuation of proceedings *would amount to a travesty of justice.*

**41.** From the aforesaid judgements, it emerges that the inherent power of the High Court, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a Court proceeding ought not to be permitted to be degenerated into a weapon of harassment or prosecution. For proper realization of the object and purpose of the provisions which seek to save the inherent powers of the High Court to do justice between the State and its subjects, the width and contours of this salient jurisdiction, need to be emphasized.

**42.** 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.**

**43.** The necessity of exercising this power, more so in criminal cases, was highlighted by the *three Judge Bench of the Apex Court* in the case of *State of Karnataka vs. L. Muniswamy* 1977 SCC (Cri) 404 wherein it was 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 as justice has got to be administered according to the laws made by the Legislature.



44. The circumstances in which the exercise of inherent power must be exercised to quash the proceedings, were detailed in R.P. Kapur vs. State of Punjab AIR 1960 SC 866 as follows:

(i) *Where it 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.*

45. 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 Article 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.

46. In Bhajan Lal (supra) the Apex Court has laid down several principles, which govern the exercise of jurisdiction of High Court under Section 482 Cr.P.C. It has been observed as under:

*“7....In the exercise of this wholesome power, **the High Court is entitled to quash a proceeding if it comes to the***



***conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. 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 proceeding in the interest of justice. The ends of justice are higher than the ends of mere law though justice has got to be administered according to 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 provision 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 that salient jurisdiction."***

**47.** The *twin tests* for exercising the inherent powers under Section 482 Cr.P.C were ***either to prevent abuse of the process of any Court*** or otherwise ***to secure the ends of justice***.

**48.** It is therefore, evident that power under Section 482 Cr.P.C. are not limited by the proceeding by the learned MM and the same can be exercised by the High Court, if it is imperative to meet the interest of justice.

**49.** ***In view of aforesaid, mere filing of Chargesheets is no impediment for this Court to consider the petitions under Section 482 Cr.P.C. for quashing of FIRs.***

**50.** ***Therefore, it is held that the present petitions for quashing of Charge sheets are maintainable.***



## ***II. Ingredients of S.188 IPC -***

**51.** Section 188 IPC deals with disobedience of orders duly promulgated by public servants. In the case of *Bhoop Singh Tyagi* (supra), this Court has laid down the ingredients mandatorily required by the prosecution to prove that the offence under Section 188 IPC have been made out. These are (i) there must be an order promulgated by a public servant; (ii) such public servant was lawfully empowered to promulgate such Order; (iii) accused necessarily had the knowledge of such order directing them to abstain from an act or to take certain Order with certain property in their possession or under their management; (iv) The accused have disobeyed the order having its knowledge; and (v) such disobedience caused or tended to cause obstruction, annoyance or injury or risk of it to any person lawfully employed or danger to human life, health and safety.

**52.** Before considering the facts, it may be considered if the Complaint was filed by the Competent Authority for taking cognizance of the offence under S.188 IPC.

### ***(a) Whether cognizance for offence under S.188 IPC not sustainable in the Absence of Complaint by Competent Authority -***

**53.** The *first contention* raised on behalf of the Petitioners is that the entire investigations have been undertaken by the Police without there being any Complaint and therefore, cognizance taken by learned MM for the offence under Section 188 IPC is bad in law and liable to be set aside.

**54.** For the charge under Section 188 IPC, prosecution has alleged violation of order under Section 144 Cr.P.C. dated 24.03.2020 promulgated by ACPs of Darya Ganj, Sarai Rohilla and Krishna Nagar.



**55.** Sections 195 Cr.P.C. provides that no Court shall take cognizance of any offence punishable under Sections 172 to 188 IPC, except on the Complaint in writing to the public servant concerned.

**56.** Section 195 Cr.P.C. read as under :

*“195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence :- (1) No Court shall take cognizance-*

*(a)(i) of any offence punishable under sections 172 to 188 (both inclusive) of the Indian Penal Code (45 of 1860), or*

*except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate;”*

**57.** Section 195(1)(a)(i) of Cr.P.C. bars the Court from taking cognizance of the offence punishable under Section 188 IPC or its abetment or attempt to commit the same, unless the written Complaint by the public servant, is made to the Court. This provision has been carved out as an exception to the general rule contained in Section 190 Cr.P.C. that any person can set a law in motion by making a Complaint. Other provisions like Section 196 and 198 Cr.P.C. do not lay down any rule or procedure; rather, they only create a bar that unless some requirements are complied with, the Court shall not take cognizance of an offence described in those Sections.

**58.** The gist is whether the facts disclosed primarily and essentially an offence under S.188 IPC for which a Complaint to the Court is mandatorily required to be made by the public servant.

**59.** In the case of Basir-ul-Haq & Ors. vs. The State of West Bengal, AIR 1953 SC 293 and Durgacharan Naik & Ors. vs. State of Orissa, AIR 1966



SC 1775, it was held that the provisions of the requirements of making a Complaint to the Court under Section 195 Cr.P.C. is not obliterated merely because other Sections of IPC are included in the Chargesheet.

**60.** In M. S. Ahlawat vs. State of Haryana & Anr., AIR 2000 SC 168, it was held that provisions of Section 195 Cr.P.C. are mandatory and no Court has jurisdiction to take cognizance of any offence mentioned therein, unless there is a Complaint in writing as required under the Section. Similar observations have been made in the case of Sachidanand Singh & Anr. vs. State of Bihar & Anr., (1998) 2 SCC 493. In the case of Daulat Ram vs. State of Punjab, AIR 1962 SC 1206, it was observed that where the cognizance has been assumed wrongly by the Court without the Complaint in writing of the public servant, the trial was thus without jurisdiction *ab initio* and no conviction can be maintained.

**61.** All the aforesaid judgments were considered in detail in the case of C. Muniappan & Ors. vs. State of Tamil Nadu, 2010 (9) SCC 567, wherein it was concluded that the Complaint by the public servant must be in writing made to the Court and its non-compliance would vitiate the cognizance and all the consequential orders being *void ab initio* and without jurisdiction.

**62.** *In the present case*, the record shows that a Complaint by the competent public officer had been made to the Court along with the Chargesheet and the cognizance has been taken on the basis of that Complaint. It cannot be said that there was no compliance of Section 195 Cr.P.C. in the present cases.

**63.** In this context, it is pertinent to observe that the offence under Section 188 IPC is a cognizable bailable offence. Cognizable offences are those



where the Police has the power to make an arrest without the warrants and to commence the investigations without prior permission of the Court. This implies that whenever there is any information of *prima facie* commission of offence under Section 188 IPC, the Police can initiate investigations. In fact, Section 154 Cr.P.C. makes it mandatory for the Police to register the FIR and conduct the investigations.

**64.** Furthermore, Section 188 IPC being a cognizable offence under IPC, the Police is duty bound to conduct the investigations. No provision of IPC either ousts the jurisdiction of the Police to conduct the investigations, nor does it vitiates the investigation so undertaken by the Police.

**65.** The only embargo under Section 195 Cr.P.C. is that the Court shall not take cognizance without there being a written Complaint filed in the Court by the Competent Officer. In the present case, the Complaint has been filed in the Court in accordance with Section 195 Cr.P.C, on which cognizance was taken by the learned MM.

**66.** *The contention of the Petitioner that the cognizance of the offence under Section 188 IPC has been taken contrary to Section 195 Cr.P.C. is thus not tenable.*

***(b)Necessity of Promulgation of Notification under S.188 IPC -***

**67.** The **second contention of the petitioners** is that Order dated 24.03.2020 under Section 144 Cr.P.C. was never promulgated as mandatory under Section 188 IPC and the Petitioners were not aware about this notification. Therefore, no offence under Section 188 IPC can be set to have been committed. To consider this we may peruse the relevant provision, which is given as under:



**“188. Offence committed outside India.**

- *When an offence is committed outside India –*

*(a) by a citizen of India, whether on the high seas or elsewhere; or*

*(b) by a person, not being such citizen, on any ship or aircraft registered in India, he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found :*

*Provided that, notwithstanding anything in any of the preceding sections of this Chapter, no such offence shall be inquired into or tried in India except with the previous sanction of the Central Government.”*

**68.** *Bare reading of Section 188 IPC* makes it abundantly evident that the Notification of the public servant must be in the actual knowledge of the person required him to do or abstain from doing some act. Acquiring or gaining of such knowledge is a pre-requisite. Any proof of general Notification promulgated by a public servant, would not satisfy the requirement.

**69.** The meaning of word “*promulgation*” came up for consideration before Allahabad High Court in the case of *State v. Tugla*, 1955 SCC OnLine All 282, wherein, it was observed that word ‘*promulgate*’ means “*to make known by public declaration, to publish; to disseminate or to proclaim*”. In essence the word connotes two ideas: (1) making known of an order and (2) the means by which the order is made known must be by something done openly and in public. *Private information will not be “promulgation”*. But the law does not prescribe any particular mode in which an order is made known openly and publicly. It may be by beat of



drum; it may be by publication in Gazette; it may be by reading out the Order openly in public.

**70.** Any Order announced in open Court shall be deemed to have been promulgated, but as the Court room is a place where the litigants are expected to go and the public at large is not expected to be present though they have right to go there if they so wish, the open declaration of the Order in Court will be deemed to be a Notice not to the public at large, but to the parties of the case in which the Order is passed.

**71.** In the present case, it is not the case of the Respondents that this Order was served on the Petitioners by whatever means / modes or was affixed on the premises or was gazetted on the relevant date. The contention of the State is that the requisite knowledge must be attributed to the Petitioners, because the Order was published in some Newspapers, TV Channels and social websites, etc. However, this fact does not meet the requirement of promulgation since there is no averment that the newspapers / handbills were received by the Petitioner.

**72.** As has already been stated, it cannot be overlooked that with the imposition of the lockdown w.e.f. 25.03.2020, the entire world came to stand still and no person whatsoever was permitted to step out of the house. This Order is of 24.03.2020 and complete *Lockdown* was imposed on 25.03.2020, whereby the distribution of newspapers, handbills, etc. was also prevented. *There is no averment whatsoever to show that any information was actually conveyed to the Petitioners.*

**73.** Likewise, had there been any evidence of the Notification being published in the public media, there may have been a presumption of



knowledge to the persons residing in the house, but there is no evidence to this effect as well.

**74.** Aside from making bald assertions that the Notification of concerned ACP had been duly promulgated, there is no cogent evidence to this effect in the entire Chargesheet. Therefore, there is no evidence whatever to show that this Notification under Section 144 Cr.P.C. was promulgated and was within the knowledge of the Petitioners. *The essential ingredient of promulgation to constitute an offence under Section 188 IPC, has therefore, not even have been established. Even if, entire prosecution case is admitted no offence is made out under Section 188 IPC.*

*(c) Whether any Offence under S.188 IPC was committed -*

**75.** The *third aspect* for consideration is whether there was indeed violation of the Notification of the ACP, as has been alleged by the Prosecution.

**76.** It is pertinent to refer to the Notification under Section 144 Cr.P.C. dated 24.03.2020, wherein it was notified that prohibitory Orders under Section 144 Cr.P.C. for maintaining Health, Public Safety and Public Order in Delhi, was issued.

**77.** The aforesaid Notification itself stated that based on Declaration by World Health Organization on 11.03.2020 of the outbreak of COVID-19 as a global pandemic and Notifications issued by the Government of India, Government of NCT of Delhi apprehended that there is likelihood of fast and widespread community transmission of COVID-19 and there was serious threat to human life, health and safety, the precautionary notification had been issued. The onset of COVID-19 pandemic commenced from



11.03.2020, as is evident from the declaration of WHO, since then various Notifications were being issued imposing partial lockdown for limited period of time, but was getting extended till the imposition of complete Lockdown on 25.03.2020.

**78.** Tablighi Jamaat is an Islamic self-reformatory movement, for the followers of Islam, having its global Headquarters at the Nizamuddin Markaz, New Delhi. The followers and members of the movement across the globe participate in this religious congregation at the Markaz, the details of which are formalized a year in advance, for the convenience of the foreign nationals for attending the same. The congregation was scheduled for early March, 2020, well before the outbreak of COVID-19 pandemic. The Petitioners herein and the foreign nationals, who have been separately Chargesheeted in FIR No.0063/2020 and all congregated in the Markaz, Nizamuddin.

**79.** *Firstly and foremost*, there is nothing on record to show that they had congregated after the promulgation of the Notification under Section 144 Cr.P.C. These Petitioners were already present in the Markaz and after the imposition of the complete lockdown, there was no way possible for them to have dispersed; rather their stepping out of the houses would have been violation of the complete lockdown and also of the potential of spreading of commutable disease of COVID-19. In fact, in these peculiar circumstances, the question of human rights arose whereby their movement was curtailed on account of the pandemic and they were compelled to remain in the Markaz, where they had already congregated since prior to the Declaration of Lockdown. The congregation had not been subsequent to the Notification



under Section 144 Cr.P.C. They were helpless people, who got confined on account of lockdown.

**80.** Further, vide the Notification, Prohibition was imposed on the following acts :

- (i) **Assembly of any kind for demonstrations, processions, protests, etc.;**
- (ii) **Any gathering social / cultural/ political/religious/sports/seminar/ conference;**
- (iii) **Organization of weekly markets (except for vegetables, fruits, and essential commodities), concerts, exhibitions etc.;**
- (iv) **Guided group tours conducted by various tour operators; and**
- (v) **Any individual suspected/ confirmed with COVID-19 shall take measure for prevention / treatment, i.e. home quarantine, isolation and cooperation to render assistance or comply with the directions of the surveillance personnel.**

**81.** It is also significant to note that merely because they were living in a Markaz, did not amount to violation of any of the five activities, which were prescribed by the Notification under Section 144 Cr.P.C. They had assembled neither for any demonstration nor for any social, cultural, political, religious gatherings, organising weekly markets, or group tours. The Petitioners had done no activity of this kind after Notification under Section 144 Cr.P.C. The Notification itself restricted the people suspected or confirmed with COVID-19 pandemic, to take home or institutional quarantine and to render assistance or comply with the directions of the surveillance personnel.



82. There is not a whisper in the entire Chargesheet that any of these Petitioners were found COVID-19 positive or that they had stepped out of the Markaz after 24.03.2020 or that they were likely to spread COVID-19. Also, there is not a single averment of them having not rendered any assistance to the surveillance personnel.

83. None of the activities prohibited under Section 144 Cr.P.C. had been undertaken by any of the Petitioner after the date of its promulgation. Even if all other technical grounds are overlooked and it is accepted that there was due promulgation of the Notification under Section 144 Cr.P.C, then too, no violation of any of the activities prohibited by the Notification has been made out in the entire chargesheet.

84. *It is therefore, held that the cognizance for the offence under Section 188 IPC is bad as no prima facie case is made out and the Petitioners are entitled to be discharged under Section 188 IPC.*

### ***III. Whether offences under S.269/270 are made out?***

85. In the 13 FIRs of PS Chandni Mahal registered between 31.03.2020 and 02.04.2020, essentially the allegations were that Indians were providing shelter or housing to the foreign nationals, stranded in the country in the wake of national lockdown and the unprecedented global crisis of COVID-19 pandemic, either in their houses or Masjids. The Petitioners have also been Chargesheeted for the offences under Sections 269 and 270 IPC, which read as under:

***“269. Negligent act likely to spread infection of disease dangerous to life***

*- Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread*



*the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.”*

**“270. Malignant act likely to spread infection of disease dangerous to life**

*- Whoever maliciously does any act which KL J CrI.P. No.152 of 2020 & batch is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”*

**86.** For an offence to be punishable under **Section 269 IPC**, following conditions must be satisfied: **(i)** the person, so accused, must necessarily be infected with the disease; **(ii)** the person must be necessarily have knowledge of being so infected; and **(iii)** there must be *mens rea* for negligently or maliciously spreading the disease.

**87.** **Section 270 IPC** provides that such act must be a ***malignant act***.

**88.** These two Sections make the Act punitive, when it is done unlawfully or negligently and which he knows or has reason to believe is likely to spread disease dangerous to human life.

**89.** High Court of Bombay in the case of *HLA Shwe & Ors. vs. State of Maharashtra*, 2020 SCC OnLine Bom 959, while considering similar cases which arose during COVID-19 pandemic situation, observed that to attract ingredients of Sections 269 and 270 IPC, the person must commit any act which he knows is likely to spread infection of any disease which is dangerous to life. The Petitioners were found to have undergone Covid-19 test during their period of quarantine i.e. from 03.04.2020 and their test report was negative. They were kept in isolation under the supervision of



Doctor. No material on record to prove that they had indulged in any act which was likely to spread infection of COVID-19. No material was produced in the Chargesheet and no evidence was placed on record to substantiate the fulfilment of ingredients of Sections 269 and 270 IPC.

**90.** Similarly, in the case of *Konan Kodio Ganstone and Others vs. State of Maharashtra through Police Station Officer*, 2020 SCC OnLine Bom 877, in the similar facts, it was held that there was no relevant material, from where it was possible to infer under any circumstances that these persons were infected when they arrived in India or that they have committed the act punishable under Sections 269 and 270 IPC.

**91.** *In the present case as well*, there is not a whisper in the FIRs or the Chargesheets that Petitioners were found COVID-19 positive or they had moved out negligently or unlawfully with intent or knowledge to spread the disease of COVID-19, which was dangerous to human life.

**92.** Even if all the evidences as put forth in the Chargesheet is admitted, ***no offence under Sections 269 and 270 IPC has even prima facie made out*** and Chargesheets are liable to be quashed for these offences under Sections 269 and 270 IPC.

***IV. Whether offences under Section 3 of the Epidemic Diseases Act, 1897, Section 51 of the Disaster Management Act, 2005 are made out?***

**93.** In ***FIR No.0101/2020 registered at PS: Sarai Rohilla*** and ***FIR Nos.141/2020 & 142/2020 registered at PS: Krishna Nagar***, Petitioners have also been chargesheeted for the offence under ***Section 3 of the Epidemic Diseases Act, 1897, Section 51 of the Disaster Management Act, 2005***.



**94. Section 51 of the Disaster Management Act, 2005**, states that whosoever obstructs the officer of Central Govt. or State Govt., in discharging their duty or refuse to comply with any direction issued on their behalf, would be guilty of the offence. However, as already discussed above in detail, there is no averment of any Govt. official being obstructed or there being any refusal to comply with any directions issued by the Government. ***No offence under Section 51 of the Disaster Management Act, 2005 has therefore, been made out.***

**95. Likewise, Section 3 of the Epidemic Diseases Act, 1897**, provides penalty for disobeying any Regulation or Order made under this Act, and shall be deemed to have committed an offence punishable under Section 188 IPC. There is no averment about which Order taken out under the Disaster Management Act has been violated. Also, in the light of aforesaid discussion, it is not shown that there was any criminal act, whether under Disaster Management Act or Epidemic Diseases Act, committed by the Petitioners. ***The FIRs under these two Sections are also liable to be quashed.***

**Conclusion:**

**96.** In the light of the aforesaid discussion, it is held that no offence under Sections 188/269/270/271 of IPC and Section 3 of the Epidemic Diseases Act, 1897, Section 51 of the Disaster Management Act, 2005 is even *prima facie* made out in the Chargesheets. It may also be observed that all the cases that were registered during the COVID-19 period, under the aforesaid Sections before various Court across the country have ended either in acquittal or discharge of the accused persons, against whom these FIRs and



Chargesheets were filed. The continuation of these Chargesheets would tantamount be abuse of the process and also is not in the interest of Justice, in terms of the Principles enunciated in the case of *Bhajan Lal (supra)*.

97. The aforesaid Chargesheets and proceedings emanating therefrom, are hereby quashed and Petitioners are discharged.

98. Petitions along with Pending Application(s), if any, stand disposed of.

**(NEENA BANSAL KRISHNA)**  
**JUDGE**

**JULY 17, 2025/R**