



2025:DHC:11339



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

% *Judgment reserved on: 04.12.2025*  
*Judgment pronounced on: 15.12.2025*  
*Judgment uploaded on: 20.12.2025*

+ **CRL.M.C. 4685/2025 & CRL.M.A. 20323/2025**

BOOPALAN B .....Petitioner

Through: Petitioner-in-person.

versus

STATE OF NCT OF DELHI THROUGH  
SECRETARY .....RespondentThrough: Mr. Naresh Kumar Chahar,  
APP for the State with Mr.  
Chetan Dahiya, Advocate.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The petitioner has invoked the inherent jurisdiction of this Court, praying for quashing of FIR bearing no. 32/2023, registered at Police Station North Avenue, New Delhi, for the commission of offence punishable under Section 435 of the Indian Penal Code, 1860 [hereafter '*IPC*'] and Section 4 of the Prevention of Damage to Public Property Act, 1984 [hereafter '*PDPP Act*'], and the consequential proceedings emanating therefrom.

**FACTUAL BACKGROUND**



2. Briefly stated, the facts of the case, as borne out from the charge-sheet, are that on 12.04.2023, information regarding the incident was received at the concerned Police Station *vide* DD No. 53A, pursuant to which a police team had immediately reached the spot. At the spot, the complainant, Deepak Yadav, along with other security personnel, had produced the petitioner before the police. The statement of the complainant was recorded, wherein he stated that he was serving in the Central Reserve Police Force (CRPF) under the Parliament Security Group and was deployed in the Parliament area for security duties. On 12.04.2023, he was on duty at Parliament Gate Nos. 4 and 5 from 1:00 PM to 7:00 PM. It was alleged that at about 4:30 PM, while stationed on the *machan*, the complainant had noticed an unknown person, i.e., the petitioner herein, carrying two bags. The said person had proceeded towards the subway near Jalebi Chowk at Pandit Pant Marg and placed both bags on the footpath. Thereafter, he had taken out two glass bottles containing an explosive/flammable substance and had thrown them one after the other over the Parliament boundary wall, as a result of which the grass inside the Parliament premises had caught fire, causing damage to Parliament property. Upon the complainant raising an alarm, other security personnel had gathered at the spot and apprehended the petitioner. The present FIR was registered thereafter.

3. As per the charge-sheet, the petitioner in his disclosure had stated that he was a retired Army officer, unmarried, and that his family members had sold the ancestral property and they did not pay



heed to him. In order to draw the attention of his family members as well as Army authorities, he had committed the said act after due planning. The FSL Team and the Crime Team had conducted a detailed inspection of the spot. The mobile phone recovered from the possession of the petitioner was sent for analysis, and the location chart of one of the mobile numbers used therein revealed its presence at the spot of incident. CCTV footage of the concerned area, in and outside the parliament, was sought; however, it was reported that the camera installed at the relevant location was not in working condition at the material time. Upon completion of investigation, a charge-sheet was filed against the petitioner for the offences punishable under Section 435 of IPC and Section 4 of the PDPP Act.

4. Cognizance of the offences was taken by the learned MM-06, Patiala House Courts, New Delhi [hereafter "*learned Magistrate*"] *vide* order dated 22.08.2023. Charges were framed against the petitioner *vide* order dated 16.04.2024. The FSL report pertaining to the exhibits seized from the spot was subsequently filed by way of a supplementary charge-sheet in February, 2025. The case is presently at the stage of recording of prosecution evidence.

#### **SUBMISSIONS BEFORE THE COURT**

5. The petitioner, who appeared in person, argued that he had been falsely implicated in the present case. It was contended that the final report filed by Police Station North Avenue was arbitrary and incomplete, inasmuch as the disclosure statement attributed to the



petitioner had been partially recorded and it did not reflect his true version of events. It was argued that material circumstances relating to the petitioner's distress and grievances were neither verified nor investigated. It was contended that for more than six years, the petitioner had been suffering from what he described as "Havana Syndrome", wherein unknown high-frequency microwave radiations allegedly passed through his body, weakening him both mentally and physically. It was argued that from the year 2018 onwards, the Defence Image Processing and Analysis Centre, the Satellite Unit, and the Signal Intelligence Unit under the Defence Intelligence Agency had been using technology similar to Havana Syndrome, by which the petitioner was allegedly being targeted with high-frequency microwave radiation. It was contended that the petitioner had no intention to cause damage to Parliament property, and that the object behind the incident was only to draw public attention towards his grievances. It was argued that the incident had occurred in a state of severe mental and emotional distress arising from long-standing and unresolved grievances. In this regard, it was submitted that other than the fact that he is suffering from Havana Syndrome, he had also been undergoing distress owing to a serious land dispute in Tamil Nadu, wherein the ancestral property was allegedly sold without his consent. Litigation relating to the said dispute was pending even prior to the incident; however, the investigating agency had failed to examine all these circumstances. It was further argued that the petitioner had multiple pending legal complaints and proceedings



relating to alleged administrative injustices, including issues concerning adverse ACR entries and grievances pending before the Armed Forces Tribunal, Chennai. None of these contextual factors, it was submitted, were considered during the investigation. It was also contended that despite repeated complaints regarding physical and psychological distress since 2018, no medical evaluation of the petitioner had been conducted by the police, and conclusions regarding criminal intent had been drawn without assessing his mental condition or state of mind at the relevant time. It was argued that the petitioner had no criminal antecedents, had been regularly attending court proceedings, and was facing severe financial hardship. His application for enrolment with the Bar Council was stated to be pending, and continuation of the present criminal proceedings was claimed to be causing serious prejudice to his future prospects. It was further contended that the prosecution case was based on assumptions and failed to establish any deliberate or malicious intent on the part of the petitioner. Therefore, even otherwise, having regard to his clean antecedents, past service to the nation, and the absence of malafide intent, the petitioner claimed entitlement to the benefit of Section 4 of the Probation of Offenders Act, 1958.

6. The learned APP for the State, on the other hand, argued that the allegations against the petitioner were grave in nature. It was contended that the petitioner had himself admitted to having ignited two petrol-filled bottles and thrown them into the Parliament



complex over the boundary wall near Gate Nos. 4 and 5. It was submitted that the FSL team had inspected the spot and examined the surrounding area, where the grass inside the Parliament complex was found to be burnt. It was further argued that the exhibits seized by the police were sent for forensic examination, and the FSL report had confirmed the presence of petrol in the beer bottles, which bore the inscription “Sale Only in Tamil Nadu.” The learned APP contended that the petitioner’s claim of suffering from “Havana Syndrome”, and whether the same could constitute any defence, was a matter requiring adjudication during trial. According to the prosecution, the petitioner had been fully conscious and well-prepared while committing the alleged offence, and there was nothing on record to suggest that he did not understand the nature or consequences of his actions. While it was acknowledged that the petitioner had stated that the object behind his actions was to draw media attention to his grievances and to the issue of “*Havana Syndrome*”, it was argued that even assuming such intention to be lawful, the means adopted by him were patently unlawful. In view of the seriousness of the allegations and the material placed on record, the learned APP prayed that the FIR not be quashed.

7. This Court has **heard** arguments addressed on behalf of the petitioner as well as the State, and has perused the material available on record.

### **ANALYSIS & FINDINGS**



8. At the outset, this Court deems it appropriate to record certain observations arising from the manner in which the present petition was prosecuted. The petitioner had appeared in person and addressed arguments himself. This Court had, on many occasions, advised the petitioner to avail the assistance of counsel including a legal aid counsel, however, the petitioner categorically declined such assistance and insisted upon arguing the case himself.

9. It is also relevant to note that charges have already been framed in this case by the learned Trial Court and the trial has commenced. The petitioner however has not assailed the order on charge.

10. While the right of a litigant to appear in person is well recognised in law, the present case illustrates some of the practical difficulties that courts often encounter in such situations. The pleadings filed by the petitioner were not structured in a proper manner, and this Court had to make considerable effort to discern and comprehend the substance of the submissions made.

#### **Material against the Petitioner**

11. The allegations against the petitioner, in brief, are that on 12.04.2023, he had carried two glass bottles containing inflammable substance to the vicinity of the Parliament complex and had thrown the same over the boundary wall near Gate Nos. 4 and 5, as a result of which the grass inside the Parliament premises had caught fire, causing damage to public property.

12. In the present case, the statements of witnesses recorded under



Section 161 of Cr.P.C., including that of the complainant and other security personnel posted in the Parliament area, *prima facie* corroborate the allegations against the petitioner. The witnesses have consistently stated that the petitioner was seen placing two bags near the subway, taking out glass bottles therefrom, and throwing them over the Parliament boundary wall, following which fire was noticed inside the premises. Further, the mobile phone recovered from the possession of the petitioner was subjected to analysis, and the location chart of the relevant mobile number indicated the petitioner's presence at or around the spot of incident at the relevant time.

13. It is further pertinent to note that during investigation, the FSL team had found and observed the following at the spot:

- (i) Two glass bottles found lying on the ground, near which burnt and partially burnt grass was observed in the surrounding area;
- (ii) Residual liquid having the smell of a petroleum product present in both glass bottles;
- (iii) Two metallic bottle caps with holes, found near the glass bottles at a distance of approximately 3 feet 4 inches;
- (iv) The Parliament boundary wall, located at an approximate distance of 44 feet from the spot where the glass bottles were found; and
- (v) The glass bottles, which appeared to be beer bottles bearing the inscription "Foster's Original Premium Strong





Beer – For Sale in Tamil Nadu Only.”

14. The relevant exhibits were seized and sent for forensic examination to the FSL, and the result of forensic examination revealed as under:

“On gas chromatography examination, (i) Exhibits ‘1B’ and ‘2B’ were found to contain Petrol. (ii) Residue of Petrol, Kerosene, and Diesel could not be detected in Exhibits ‘1A’, ‘2A’, ‘3’, ‘4’, ‘5’, and ‘6’.”

15. The FSL report, thus, *prima facie* establishes the presence of petrol in the liquid residue recovered from the glass bottles, lending forensic support to the prosecution version regarding the use of a flammable substance in the incident.

#### **Voluntary conduct of the Petitioner**

16. At the outset, it is material to note that the petitioner has **not disputed** the occurrence of the alleged incident. At no stage has he contended that he did not commit the act in question. His case, instead, is that his actions were driven by a desire to draw attention towards what he describes as issues relating to supervising artificial intelligence linked with the Indian Regional Navigational Satellite System and the phenomenon commonly referred to by him as “Havana Syndrome.” According to the petitioner, it was for creating awareness regarding these issues that he had set fire near the Parliament premises. He states the following in paragraph 12 of his petition:

“12) That intention of grabbing the people’s awareness through



media to resolve the above said technology's issues, I put fire with petrol filling in beer bottle in the Parliament gate No 4 & 5, nearby Library Museum on 12 Apr 2023. Investigation Officers interrogated me in North Avenue Police Station."

17. As noted above, the allegations of the prosecution also, against the petitioner, are that he had deliberately carried two bottles containing petrol, had chosen the Parliament area after surveying other locations, and had thrown the ignited bottles over the boundary wall with the intention of attracting attention to his grievances. Thus, the petitioner does not deny his involvement in the alleged acts; rather, he seeks to explain the circumstances and motivations which, according to him, led to his conduct.

#### Concept of "Voluntary Act" under the IPC

18. Section 39 of the IPC elucidates the circumstances in which an act is said to be done "voluntarily." The said provision reads as under:

**"39. "Voluntarily".**—A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.

#### *Illustration*

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery and thus causes the death of a person. Here, A may not have intended to cause death, and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily."

19. The essence of Section 39 of IPC, therefore, is that an act is voluntary if:



- the accused **intended** to cause the effect; *or*
- the accused, while employing the means, had **knowledge** that such effect was likely to be caused; *or*
- the accused had **reason to believe** that the act was likely to produce such effect.

20. In the present case, the petitioner's own admissions *prima facie* brings his conduct within the ambit of a voluntary act. He acknowledges that he carried inflammable material, ignited it, and threw it into a highly sensitive public area i.e. Parliament of India. Even if the petitioner claims that his intention was not to cause damage, the act itself was such that he knew, or at least had reason to believe, that fire and damage were likely to result from his acts.

#### **Motive versus Criminal Liability**

21. As regards the motive sought to be projected by the petitioner, it is stated that he had been discharged from services of Indian Army wherein he had worked from 2004 to 2020, and that from the year 2018 onwards, he had been experiencing symptoms which he attributes to "Havana Syndrome," allegedly causing him mental distress and difficulty in concentration. The petitioner further states that he had started running a restaurant business, which subsequently shut down, resulting in financial losses. He also alleges that his ancestral property was sold on 28.02.2023 without his consent, and that his objections were ignored by his family members, which further aggravated his stress and anger. According to him, these



circumstances prompted him to undertake the impugned act in order to draw attention to his grievances.

22. In this context, reference may be made to the judgment of the Hon'ble Supreme Court in *Surinder Singh v. State (UT of Chandigarh)*: (2021) 20 SCC 24, wherein it was observed that unlike “intention,” “motive” is not the yardstick of criminality; a lawful act with an ill motive would not constitute an offence but it may not be true when an unlawful act is committed with best of the motive.

23. The petitioner's assertion that he believed this to be an effective way of drawing attention itself indicates that he was conscious of the fact that he was throwing bottles containing inflammable material into the Parliament premises, with the foreseeable consequence that it could result in any untoward incident due to fire caused by his act. This clearly demonstrates knowledge of the nature and likely consequences of his actions. This Court also is of the opinion that since the petitioner herein had served the Indian Army, he was conscious and knew the repercussions of such an Act.

24. The prosecution further alleges that the petitioner had disclosed during investigation that he perceived himself to be unheard by his family members, in relation to the sale of ancestral property. In this background, it is alleged that he formulated a plan to throw ignited petrol-filled bottles into a sensitive government establishment. In furtherance of this plan, he is stated to have taken out petrol from a motorcycle, filled the same into bottles, and



procured beer bottles for that purpose. It is further alleged that on 12.04.2023, at about 10:30 a.m., the petitioner had arrived in Delhi and initially had proceeded towards an Army camp. Upon finding the area overcrowded, he is stated to have altered his plan and proceeded instead towards the Parliament house, where he ultimately ignited the petrol-filled bottles and threw them over the boundary wall.

25. These allegations, if taken at face value, *prima facie* indicate planning, preparation, and conscious execution, which are matters requiring appreciation by leading evidence on behalf of the State/prosecution and the petitioner. The allegations as discussed above and the admission of the accused that he had executed the above plan and had committed the act in question cannot be brushed aside in a writ petition for quashing of the FIR.

#### **Principles Governing Quashing of FIRs under Section 482 Cr.P.C.**

26. The principles governing the exercise of inherent jurisdiction for quashing of an FIR are well-settled. In *State of Haryana v. Bhajan Lal*: 1992 SCC (Cri) 426, the Hon'ble Supreme Court observed that except in rare and exceptional cases, where non-interference would result in miscarriage of justice, courts ought not to interfere at the stage of investigation or prosecution. The Supreme Court illustratively carved out certain categories where such extraordinary power may be exercised to prevent abuse of process or to secure the ends of justice, which are as under:

“102. In the backdrop of the interpretation of the various



relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extra-ordinary power under Article 226 or the inherent powers Under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima- facie constitute any offence or make out a case against the accused.
2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers Under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.
3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
4. Where, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated Under Section 155(2) of the Code.
5. Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.
6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a



specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

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

27. More recently, in **Anukul Singh v. State of Uttar Pradesh and Anr**: 2025 INSC 1153, the Hon’ble Supreme Court has held as under:

“11.2. Equally, this Court has consistently cautioned that the High Court, while exercising jurisdiction under Section 482 Cr.P.C., cannot embark upon a “minitrial” or weigh the sufficiency of evidence, which falls within the domain of the trial Court. The scope of enquiry is confined to whether, on a plain reading of the FIR / complaint and accompanying material, the ingredients of the alleged offence are disclosed. [See: **Rajiv Thapar v. Madal Lal Kapoor, HMT Watches v. Abida**, and **Rathish Babu Unnikrishnan v. the State (Govt. of NCT of Delhi) and others**].

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11.5. Thus, the cumulative principles that emerge are: while the jurisdiction under Section 482 Cr.P.C is extraordinary and must be exercised sparingly, it is the duty of the High Court to intervene where continuation of criminal proceedings would amount to an abuse of process of law, or where the dispute is purely of a civil nature and criminal colour has been artificially given to it. Conversely, where disputed questions of fact arise requiring adjudication, the matter must ordinarily proceed to trial.”

28. Clearly, at this stage, this Court is required only to examine whether the material placed on record, if taken at face value, discloses the commission of the alleged offences and whether continuation of the proceedings would amount to abuse of the



process of law or not. The appreciation or sufficiency of evidence, as well as the determination of the petitioner's intent or mental state at the relevant time, are matters that fall squarely within the domain of the Trial Court and cannot be adjudicated in proceedings under Section 482 of the Cr.P.C.

### Decision & Conclusion

29. Applying the aforesaid principles to the facts of the present case, this Court finds no ground to exercise its inherent jurisdiction to quash the FIR or the criminal proceedings emanating therefrom. The allegations in the FIR, the statements recorded under Section 161 of Cr.P.C., the recovery of material objects, and the forensic evidence, when taken at face value, *prima facie* disclose the commission of cognizable offences under Section 435 of IPC and Section 4 of the PDPP Act. The case does not fall within any of the categories enumerated in *State of Haryana v. Bhajan Lal* (*supra*) so as to warrant interference at this stage. The petitioner has not demonstrated that the proceedings are manifestly malicious, attended with mala fides, or instituted with an ulterior motive. Nor can it be said that the allegations are absurd or inherently improbable.

30. It is an admitted position that the petitioner committed the acts forming the subject matter of the present FIR. His principal contention is that his motive was not to cause harm to any person or to public property, but to draw attention to the issue of "Havana Syndrome" and to highlight his personal grievances, particularly





against his family members. However, it is clear that the means adopted by him were manifestly illegal and wholly impermissible in law.

31. The petitioner herein chose to pursue his alleged cause by throwing petrol-filled, ignited bottles into the Parliament premises, which is an institution of the highest national importance and a highly sensitive security area. Such an act, by its very nature, poses a serious risk to public safety and security. This Court is unable to accept the submission that the act can be justified on the basis of the petitioner's stated objective. Even if the petitioner believed that he was acting to draw attention to his grievances, the course adopted by him was plainly unlawful. The law does not permit individuals to resort to dangerous or violent means in the name of protest or grievance redressal. An illegal act does not become permissible merely because it is claimed to have been committed for a personal or perceived public cause.

32. In view of the foregoing discussion, this Court is satisfied that the FIR and the charge-sheet filed against the petitioner cannot be termed as arbitrary, malicious, or an abuse of the process of law. The petitioner has failed to demonstrate that continuation of the criminal proceedings would result in a miscarriage of justice

33. Accordingly, no case for quashing of the FIR or the proceedings arising therefrom is made out.

34. The present petition, being meritless, is accordingly dismissed.



2025:DHC:11339



35. It is however clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

36. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**  
**DECEMBER 15, 2025/vc**