



2nd LLOYD TRIAL ADVOCACY COMPETITION
[2019 - 20]



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

CrL. Misc. Appli. 21 of 2019

Date: 01.10.2019

In the matter of:

Salman & Anr.

....Applicants

v.

State (N.C.T. of Delhi)

...Respondent

Coram: Hon'ble Mr. Justice Rupesh Singh

Hon'ble Mr. Justice Anil K. Thakur

Present: Mr. Bhavesh More, Ld. AGA for the State.

Mr. Shahzeb Ahmed, Ld. Counsel for the petitioners.

Heard learned counsel for the Petitioners Mr. Shahzeb Ahmed and Ld. Additional Government Advocate appearing on behalf of the State Mr. Bhavesh More. This petition was filed under section 482 of CrPC with a view that the impugned FIR no. 32/2019 registered on 10th of September, 2019 registered in police station Model Town, Delhi. Learned counsel for the petitioners submits that on perusal of the FIR registered by the police, this matter appears to be a fake case registered by the police as there is no prove with the police as to the death of the said lady Usma Malik, there is no postmortem report, there is no weapon that has been recovered, there is no witness that testifies happening of the event on the said date as well as there is no evidence collected by the police during the investigation so far.

Heard the Ld. Additional Government Advocate. He submits that the police is still investigating the matter and police does not have even a single evidence or testimony of the witness who can corroborate the version of police. There is a serious doubt as to existence of the lady who has been alleged to have been murdered.

On the basis of facts and circumstances of the case FIR no.32/2019 registered in PS Model Town appears to be an implanted and fake FIR, and such FIR is liable to be quashed as it is one of the conditions of quashing of FIR, as reiterated by the Hon'ble Supreme Court in V. Ravi Kumar v. State of Orissa, 2018 and Siddhartam Satil Gappa Mahtre v. State of Maharashtra, 2011.

FIR is hereby quashed. Any accused if arrested shall immediately be released and any order passed by the police is also quashed. SHO and IO of the case are suspended, the Inspector General of Police is directed to conduct a departmental inquiry against these two officers and the report of that inquiry should be sent to the home department of the State. The petition is disposed off with no cost to party.





(Rupesh Singh, J.)
(Anil K. Thakur, J.)

High Court of Delhi
New Delhi: 01.10.2019