

**IN THE HIGH COURT OF DELHI
At New Delhi**

Cr. Appl. 39 of 2019

Date: 12.10.2019

In the matter of:

Rohan DasApplicant

v.

State (N.C.T. of Delhi)Respondent

**Coram: Hon'ble Mr. Justice Rupesh Singh
Hon'ble Mr. Justice Anil K. Thakur**

Present: Mr. Arnav Kumar, Ld. AGA for the State
Mr. Divyansh Rai, Ld. Counsel for the Petitioner.

Heard Ld. Counsel for the petitioner Mr. Divyansh Rai appearing on behalf of the accused. Ld. Counsel submits that F.I.R. No. 023/19 have been lodged by the police in the police station of Mukherjee Nagar, North Delhi where the accused was charged u/s 302/449 of IPC. Ld. Counsel further submits that by the bare perusal of the FIR lodged by the police it is evident that there is no mentioning about the happening of the incident, details, place, mode of doing the act by the police. It is also submitted that the FIR was lodged on 10.09.2019 at 07:05 AM i.e. Tuesday but the police in the FIR have mentioned it as Wednesday that shows the insincerity on the part of the police. Reliance is placed on the judgment of Hon'ble Apex Court *State of Haryana v Bhajan Lal AIR 1992 SC 604* where the Hon'ble SC has said that *Where the allegations made in the FIR or complaints even if they are taken in their face values and accepted in their entirety do not prima facie constitute any offence or make out a case against an accused is liable to be quashed*, the same view is re-treated in a latest judgment of Apex Court *Chilakamarthi Venkanteswarlu v. State Of Andhra Pradesh, 2019*.

Ld. AGA appearing on behalf of the State could not give any satisfactory reply to the allegations made by the Ld. Counsel for the petitioner against the police. This court is of the opinion that the alleged FIR is liable to be quashed and hereby the orders for the quashing of the aforementioned FIR. No coercive action shall be taken by the police with immediate effect. Any action if taken in past, any order passed by the police with respect to the aforementioned FIR will be inoperative with immediate effect. The petition is allowed with no cost to each party. The petition is disposed off.



(Rupesh Singh, J.)
(Anil K. Thakur, J.)
High court of Delhi
Delhi:12.10.2019

