



2<sup>nd</sup> LLOYD TRIAL ADVOCACY COMPETITION  
[2019 - 20]



IN THE HIGH COURT OF DELHI  
New Delhi

**Crl. Misc. Appl. 35 of 2019**

Date: 12.10.2019

**In the matter of:**

Suresh Kumar & Anr. ....Petitioners  
v.  
State (N.C.T. Of Delhi) .....Respondent

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

Present: Mr. Vasudev Pandey, Ld. AGA for the State  
Mr. Vaibhav Shahi , Ld. Counsel for the Petitioners.

Heard Ld. Counsel for the Petitioners Mr. Vaibhav Shahi and Ld. Additional Government Advocate Vasudev Pandey appearing on the behalf of the state.

Ld. Counsel for the petitioners submits that the police has file a false F.I.R. and it is a piece of bad investigation and as well as malpractice in the eyes of the law. Ld. Counsel further submits that in para no.12 of the aforementioned F.I.R No. 170/19. Ld. counsel submits that the police has not mentioned the contents of F.I.R. nor has given any details with respect to the same. Police has just used the scanned version of the complaint given by the complainant, which is bad in the eyes of law and violative of the standard procedure of registering the F.I.R. under the Criminal Procedure Code, 1973. Ld. Counsel for the petitioners further submits that there is no serial number and the book number given in the F.I.R. It *prima facie* shows that the F.I.R. is a fake F.I.R. and is liable to be quashed. The reliance is placed in the plethora of the judgments of the Supreme Court *State of Haryana v. Bhajan Lal AIR 1992 SC 604* and *CHILAKAMARTHI VENKANTESWARLU v. STATE OF ANDHRA PRADESH* where the Supreme

Court has said that in such circumstances the F.I.R is liable to be quashed. 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. Any action taken in the past by the police or any order passed by the police with respect to the fore mentioned F.I.R. is also quashed with immediate effect. The petition is disposed off with no cost to parties.



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

**High court of Delhi**  
**Delhi: 12.10.2019**

