

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

%

Judgment delivered on: 26.09.2025

+

CRL.M.C. 1716/2020LT GEN INDERJIT SINGH
AVSM VSM (RETD)

.....Petitioner

Through:

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through:

Advocates who appeared in this case:For the Petitioner : Mr. Saket Sikri, Mr. Gautam Khazanchi &
Ms. Pooja Deepak, Advs.For the Respondent : Mr. Ajay Vikram Singh, APP for the State.
Mr. Archit Upadhayay (DHCLSC), Adv. for
R-2.**CORAM****HON'BLE MR JUSTICE AMIT MAHAJAN****JUDGMENT**

1. The present petition is filed challenging the order dated 26.08.2020 (hereafter '**impugned order**'), in CC No. 5320/2020, whereby the learned Trial Court gave directions to the concerned DCP to lodge an FIR against the petitioner. The petitioner is also seeking quashing of the FIR which has been registered pursuant to the impugned order.



2. The brief facts of the case are as follows:

2.1. A complaint was made by Respondent No.2 under Section 156(3) of the Code of Criminal Procedure, 1973 ('CrPC') seeking registration of FIR against the petitioner for the offence under Section 376 read with Section 511 and under Sections 307/320/323/339/354/354A/354B/355/503/506/509 of the Indian Penal Code, 1860 ('IPC'). The petitioner and Respondent No.2 are neighbours and it is the case of Respondent No.2 that there is park adjoining the residence of the petitioner, and the backyard of the residence of Respondent No.2 adjoins the said park. Allegedly, the incident took place in the park which has been encroached by the petitioner. It is alleged that on 28.04.2020, at about 10:30pm, when Respondent No.2 entered the park for better cellular network, she noticed someone following her at a distance. Respondent No.2 could not get a clear picture of the said person, who moved into the darker zone of the park near the house of the petitioner. When Respondent No.2 started returning to her house, she noticed that the petitioner had quietly sneaked into the park and he started shouting that she had no right to be present in the park. Respondent No.2 tried to leave, however, the petitioner allegedly trapped her in an enclosure without leaving any means for Respondent No.2 to exit. The spot of incident was allegedly dark and the petitioner snatched the phone of Respondent No.2 and tossed the same towards his house. Thereafter, when Respondent No.2 tried to pick her phone from where it had fallen on a grassy patch, the petitioner allegedly pounced on her and



pressed her breast. Respondent No.2 screamed, however, the petitioner threw her on the ground and tried to commit rape upon her in a dark part of the park. As per the allegations, Respondent No.2 was saved by her mother.

2.2. By the impugned order, the learned Magistrate gave directions for registration of FIR upon observing that serious allegations of sexual assault have been made in the complaint. It was observed that the complaint was given on the very next date and it is unclear as to why the concerned IO and SHO had conducted a detailed inquiry and collected all the evidence when they were duty bound to register an FIR at the very first instant on receipt of such information. A report was also called from the DCP/ SWD as to why no action should be initiated against the concerned SHO for the lapse as well. The relevant portion of the impugned order is as under:

“It is evident from the allegations that serious allegations of sexual assault upon the complainant have been made in the complaint. The incident is though undisputed. The complaint has been given on the very next day of the incident. The fact that the complainant did not make any statement on the same day itself is without any merits as it is quite assumable that the victim is severely traumatized after such incidents. The fact that the complaint has been given on the next day cannot be assumed as an after thought. Further, it is observed that the IO and SHO concerned conducted a detailed inquiry and collected all the evidence. However, it is not understood as to under what circumstances they had conducted the inquiry and collected the evidence, when in fact they were duty bound to first lodge FIR under appropriate provisions of law and thereafter investigate the matter. It also appears from the detailed ATR filed on record that the IO has himself assumed the authority of a Court of law and has decided the evidence and the allegations on its merits to conclude that there are several contradictions and



hence, no offence is made out. This is in fact beyond the duty of a police official, who is expected to first register FIR and thereafter, proceed to investigate the matter and collect evidence and elicit the truth and, therefore, prepare his report. In fact, had the FIR been lodged, statement of complainant under Section 164 Cr.P.C. would also have been recorded immediately after the incident, which would have given some sanctity to the allegations made in the complaint. However, no such steps have been taken by IO/ SHO concerned, which is a serious violation of the guidelines laid down by Hon'ble Supreme Court of India and also the Service Rules applicable to Police Officials.

Let a report be called from DCP / SWD, as to why no action be initiated against SHO concerned for the said lapses.

In the meantime, on the basis of complaint and allegations made therein, I am of the opinion that several cognizable offences are made out in the present case, which require detailed field investigation and collection of evidence. The complainant is not in a position to collect evidence on her own. Hence, DCP concerned is directed to lodge FIR in the present complaint against alleged Inderjit Singh and any other persons found involved under appropriate section of law within three days from today and copy of the FIR be sent to this Court.”

(emphasis supplied)

2.3. Aggrieved by the same, the petitioner filed the present petition.

3. The learned counsel for the petitioner submitted that the present petition is maintainable and asserted that the objection in relation to maintainability was raised at a belated stage. He placed reliance on the case of ***Vijay & Anr. v. State of Maharashtra & Anr. : (2017) 13 SCC 317***. He submitted that the petitioner has been falsely implicated and the learned Magistrate has erred in directing registration of FIR against the Petitioner in complete and utter disregard of the multiple



status/action taken reports filed by the Respondent Police categorically exonerating the Petitioner from any wrongdoing whatsoever.

4. He submitted that the multiple status reports filed by the State and statements of several independent witnesses indicate that no such incident ever took place and the entire incident is concocted and that Respondent No.2 has a habitual tendency of levelling preposterous allegations of sexual assault against her family members and other neighbours.

5. He submitted that the allegations are *ex facie* false and the police found that no cognizable offence took place and the incident was nothing but a momentary heated argument and that the complaint was motivated due to pre-existing disputes regarding maintenance of the public park. He submitted that it was also found that Respondent No.2 could not produce any material to prove her allegation.

6. He submitted that prior to filing of the complaint against the petitioner, Respondent No.2 had made complaints against her aged father, disabled brother, extended family members, her neighbours as well as the maids and drivers of RWA.

7. He submitted that much prior to the present dispute, the RWA addressed a letter to the police mentioning that Respondent No.2 was creating nuisance by picking up fights with neighbours and accusing the Petitioner's household helps of prying into her house. He submitted that a resident had also filed a complaint against



Respondent No.2 alleging that Respondent No.2 was hassling their domestic helps and she had cut their TV and internet connection.

8. He stressed that various residents gave statements to the police that Respondent No.2 may need medical or emotional help and that she suffers from persecution complex. He submitted that several independent eyewitnesses living close to the park where the alleged incident took place have stated in writing that no such alleged offence took place, and there was no physical altercation between the parties. He submitted that not even a single witness has supported the case of Respondent No.2 and she has improved her case at every stage.

9. He submitted that it is absurd and inherently improbable that the petitioner, who is about 72 years of age and a decorated army officer, would attempt to sexually assault his neighbour in the presence of his wife, daughter, domestic workers, and several neighbours that too in a well-lit public place in his own residential colony. He submitted that the petitioner has unimpeachable dignity which Respondent No.2 seeks to tarnish by making such bald allegations.

10. He submitted that in her reply to the present petition, Respondent No.2 has made further allegations against the petitioner that he is part of land mafia, he killed her father and did not allow her to perform her father's last rites.

11. The learned counsel for Respondent No.2 submitted that the impugned order is well-reasoned and the same does not deserve any



interference by this Court in the limited ambit and scope of Section 482 of the Code of Criminal Procedure, 1973. He submitted that this Court cannot appraise the evidence or venture into the factual arena of the matter to adjudge the correctness of allegations in the present proceedings.

12. He submitted that the learned Magistrate has rightly taken objection to the preliminary enquiry/ investigation conducted by the police authorities in the instant case and also issued show cause notice to the police authorities.

13. He submitted that the society members are siding with the petitioner due to his influential position and Respondent No.2 is a helpless young woman. He submitted that the truth can only come forth after a detailed investigation takes place in this matter. He submitted that the petitioner has relied upon a plethora of defence evidence which cannot be appreciated in the present proceedings.

14. He further submitted that the present petition is liable to be rejected as the petitioner has not availed the remedy of preferring a revision petition against the impugned order.

15. He submitted that the complaint made by Respondent No.2 to the police authorities disclosed the commission of the alleged cognizable offences and in view of Section 166A of CrPC, it is mandatory that an FIR is registered on receipt of information in relation to cognizable offences mentioned in the aforesaid provision.



ANALYSIS

16. At the outset, it is pertinent to note that the petitioner has invoked the inherent jurisdiction of this Court without having availed his remedy to challenge the impugned order in revisional proceedings. It is settled law that the mere availability of an alternative remedy of criminal revision does not disentitle a litigant from grant of relief under Section 482 of the CrPC. In the case of **Prabhu Chawla v. State of Rajasthan : (2016) 16 SCC 30**, the Hon'ble Apex Court had observed as under:

*“4. Mr P.K. Goswami, learned Senior Advocate for the appellants supported the view taken by this Court in **Dhariwal Tobacco Products Ltd. [Dhariwal Tobacco Products Ltd. v. State of Maharashtra, (2009) 2 SCC 370 : (2009) 1 SCC (Cri) 806]** He pointed out that in para 6 of this judgment S.B. Sinha, J. took note of several earlier judgments of this Court including that in **R.P. Kapur v. State of Punjab [R.P. Kapur v. State of Punjab, AIR 1960 SC 866 : 1960 Cri LJ 1239]** and **Som Mittal v. State of Karnataka [Som Mittal v. State of Karnataka, (2008) 3 SCC 574 : (2008) 2 SCC (Cri) 1 : (2008) 1 SCC (L&S) 910]** for coming to the conclusion that : **(Dhariwal case [Dhariwal Tobacco Products Ltd. v. State of Maharashtra, (2009) 2 SCC 370 : (2009) 1 SCC (Cri) 806]**, SCC p. 372)*

“6. ... Only because a revision petition is maintainable, the same by itself ... would not constitute a bar for entertaining an application under Section 482 of the Code.”

XXX

6. In our considered view any attempt to explain the law further as regards the issue relating to inherent power of the High Court under Section 482 CrPC is unwarranted. We would simply reiterate that Section 482 begins with a non obstante clause to state:



“482. Saving of inherent powers of High Court.— Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any court or otherwise to secure the ends of justice.”

A fortiori, there can be no total ban on the exercise of such wholesome jurisdiction where, in the words of Krishna Iyer, J.

“abuse of the process of the court or other extraordinary situation excites the Court's jurisdiction. The limitation is self-restraint, nothing more”. (Raj Kapoor case [Raj Kapoor v. State, (1980) 1 SCC 43 : 1980 SCC (Cri) 72], SCC p. 48, para 10)

*We venture to add a further reason in support. Since Section 397 CrPC is attracted against all orders other than interlocutory, a contrary view would limit the availability of inherent powers under Section 482 CrPC only to petty interlocutory orders! **A situation wholly unwarranted and undesirable.***

XXX

8. In our considered opinion the learned Single Judge of the High Court should have followed the law laid down by this Court in Dhariwal Tobacco Products Ltd. [Dhariwal Tobacco Products Ltd. v. State of Maharashtra, (2009) 2 SCC 370 : (2009) 1 SCC (Cri) 806]... ”

(emphasis supplied)

17. The said proposition has been reiterated by the Hon'ble Apex Court in the case of ***Vijay v. State of Maharashtra*** (*supra*), wherein like the present case, the petitioner therein had challenged the order of the Magistrate directing registration of complaint in a petition under Section 482 of the CrPC without availing the remedy of challenging the same in revisional proceedings.

18. From the above, it is evident that while the High Court must



exercise its inherent power sparingly, there is no bar that precludes the High Court from entertaining a petition under Section 482 of the CrPC for securing the ends of justice of if there is any abuse of the process of law, even if a revision petition is maintainable. It cannot be ignored that the present case has been pending on the board of this Court since the year 2020 and valuable judicial time has already been spent on the same.

19. Moreover, it is also important to note that the petitioner has argued that the impugned order has been passed mechanically without appreciating that the findings in the action taken report as well as the improbability of the allegations. Although inherent jurisdiction ought to be exercised sparingly and the power to quash complaints ought not to be used to stifle legitimate prosecution, however, it is open to the High Court to interfere where the allegations are inherently absurd or improbable. This Court thus considers it apposite to consider the present matter on merits.

20. In the case of ***State of Haryana v. Bhajan Lal : 1992 Supp (1) SCC 335***, the Hon'ble Apex Court had illustrated the category of cases where the Court may exercise its extraordinary power under Article 226 of Constitution of India or inherent jurisdiction to quash the proceedings. The relevant portion of the judgment is reproduced hereunder:

“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 extraordinary 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 FIR 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 FIR 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."



(emphasis supplied)

21. The Hon'ble Apex Court in the case of ***Indian Oil Corporation v. NEPC India Limited and Others : (2006) 6 SCC 736*** has discussed the scope of jurisdiction under Section 482 of the CrPC to quash criminal proceedings. The relevant portion of the same is reproduced hereunder:

“12. The principles relating to exercise of jurisdiction under Section 482 of the Code of Criminal Procedure to quash complaints and criminal proceedings have been stated and reiterated by this Court in several decisions. To mention a few—Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre [(1988) 1 SCC 692 : 1988 SCC (Cri) 234] , State of Haryana v. Bhajan Lal [1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426] , Rupan Deol Bajaj v. Kanwar Pal Singh Gill [(1995) 6 SCC 194 : 1995 SCC (Cri) 1059] , Central Bureau of Investigation v. Duncans Agro Industries Ltd. [(1996) 5 SCC 591 : 1996 SCC (Cri) 1045] , State of Bihar v. Rajendra Agrawalla [(1996) 8 SCC 164 : 1996 SCC (Cri) 628] , Rajesh Bajaj v. State NCT of Delhi [(1999) 3 SCC 259 : 1999 SCC (Cri) 401] , Medchl Chemicals & Pharma (P) Ltd. v. Biological E. Ltd. [(2000) 3 SCC 269 : 2000 SCC (Cri) 615] , Hridaya Ranjan Prasad Verma v. State of Bihar [(2000) 4 SCC 168 : 2000 SCC (Cri) 786] , M. Krishnan v. Vijay Singh [(2001) 8 SCC 645 : 2002 SCC (Cri) 19] and Zandu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque [(2005) 1 SCC 122 : 2005 SCC (Cri) 283] . The principles, relevant to our purpose are:

(i) A complaint can be quashed where the allegations made in 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 the case alleged against the accused.

For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is



found to have been initiated with mala fides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceeding are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not.”

(emphasis supplied)

22. In the case of **Pradeep Kumar Kesarwani v. State of U.P. : 2025 SCC OnLine SC 1947**, the Hon’ble Apex Court while dealing with a challenge to a summoning order for a myriad of offences, including Section 376 of the IPC, had reiterated the steps that should be followed to determine the veracity of a prayer for quashing. The relevant portion of the judgment is as under:

“20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C.:—



(i) **Step one**, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e., the materials is of sterling and impeccable quality?

(ii) **Step two**, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint, i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) **Step three**, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant; and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant?

(iv) **Step four**, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice?

*If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal - proceedings, in exercise of power vested in it under Section 482 of the Cr. P.C. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused. [(See: **Rajiv Thapar v. Madan Lal Kapoor (Criminal Appeal No. 174 of 2013)**)]*

(emphasis supplied)

23. Considering the nature of the allegations, this Court considers it apposite to proceed with utmost caution and circumspection, especially considering that in cases of such nature, the statement of the prosecutrix attains higher significance.

24. False cases have the effect of tarnishing an individual's reputation in society and it is the duty of the Court to take into account attending circumstances as well as the material collected during



investigation [Ref. *Mohammad Wajid v. State of U.P.* : 2023 SCC OnLine SC 951]. This Court owes a duty to look into the complaint with care and a little more closely in case it finds that the proceedings are manifestly frivolous or vexatious or are instituted with the ulterior motive of wreaking vengeance. This Court is thus burdened with the responsibility of balancing equities and limiting itself to an assessment of ascertaining whether the allegations are frivolous or improbable without conducting a mini enquiry into the veracity of the allegations.

25. It is the case of Respondent No.2 that the petitioner had attempted to commit rape upon her in a tiny portion in the park adjoining her home and he had grabbed her breasts as well as mauled her after pouncing on her. It is alleged that the petitioner had held her down with his body weight and tore her clothes. It is further alleged that the petitioner had also inserted his fingers in the private part of Respondent No.2. As per Respondent No.2, the petitioner was trying to drag Respondent No.2 inside his house, however, she was only saved with the intervention of her mother. A PCR call was made after the incident as well. A complaint was also given to the concerned SHO on the next day by the petitioner that Respondent No.2 might implicate him in a false case.

26. Undoubtedly, the allegations are in regard to serious cognizable offences. From a bare perusal of the allegations as made by the prosecutrix, it cannot be said that no case is made out against the



accused petitioner as the same are not lacking in any requisite ingredients that constitute the alleged offences.

27. In the present case, however, a detailed enquiry was undertaken and eye witnesses and other residents of the locality were enquired in relation to the incident, whereby it was found that there is no material to *prima facie* make out any case of cognizable offence. The petitioner is aggrieved that the findings of the enquiry were not appraised by the learned Magistrate.

28. This Court finds merit in the observation of the learned Magistrate that once information in relation to sexual assault had been received by the concerned police officials, it was incumbent on them to take action and register an FIR. However, the present case is not one where the FIR was directed to be registered at the outset. The learned Magistrate had even given opportunities to Respondent No.2 to furnish the audio/ video recordings, which as per Respondent No.2 endorse her case. While exercising power under Section 156(3) of the CrPC, the Magistrate is required to apply his mind rather than acting as a post office by mechanically endorsing the case of the complainant. Although serious allegations have been levelled, the Magistrate ought to have given *prima facie* consideration to the report, especially since the same casts severe doubt on the case of Respondent No.2.

29. Despite calling for the status report and granting adjournments for filing of the same, the learned Magistrate subsequently passed the



impugned order without appreciating the material that was brought forth in the enquiry. While the deferring of registration of FIR for carrying out a preliminary enquiry may not be the appropriate course of action, once such an enquiry is done, this Court cannot remain blind to the overarching material found in favour of the petitioner. Even otherwise, the petitioner has also invoked the inherent jurisdiction of this Court and this Court is not precluded from looking into any material that has been placed on record.

30. It is argued that apart from the assertions of Respondent No.2, there is no material in support of the allegations. It is further argued that the parties are neighbours and the quarrel erupted due to a dispute over Respondent No.2 clicking photographs of the petitioner's house from the park. It is argued that the petitioner has been falsely implicated, and the allegations levelled against him are improbable. As held in the case of *State of Haryana v. Bhajan Lal (supra)*, if a case is inherently improbable or manifestly vexatious in nature, it is open to the Court to exercise its inherent jurisdiction to quash the proceedings.

31. Before proceeding further, this Court considers it apposite to take note of the findings in the enquiry as well as other material that was found during the course of the same. The findings are summarised as under:

31.1. It was found that there were significant improvements in the complaint made to police and the one filed before the learned



Magistrate, wherein allegations of assault of body and breasts as well as inserting of fingers in vagina and tearing of clothes were made.

31.2. Statements of fifteen witnesses was recorded who belied the allegations and video recordings of the park were appraised, which evidence that the clothes of Respondent No.2 were intact and she was not dishevelled. Out of the fifteen individuals whose statements were recorded during enquiry, three stated that they had witnessed the incident and referred to Respondent No.2 as a nuisance creator. One of them stated that Respondent No.2 was shouting at the petitioner over the issue of cleanliness of the garden, another stated that she had seen Respondent No.2 shouting at the petitioner, who was standing with his wife, of pushing her and touching her. The third witness stated that she witnessed the incident from the roof and although there was some altercation, however, she had not seen any kind of physical assault.

31.3. No external injury was recorded in the MLC of Respondent No.2 on 02.05.2020, however, in MLC dated 03.05.2020, the doctor has recorded allegations of physical assault and molestation.

31.4. Certain videos of Respondent No.2 after the incident were also perused which reflect no injury and her clothes being in a normal condition, where Respondent No.2 is abusing the petitioner and his family in filthy language.

31.5. Although Respondent No.2 asserted that her parents may be treated as witnesses, however, their statements were not recorded and



typed statements were attached with her complaint under Section 156(3) of the CrPC. Respondent No.2 sent seven audio clips, which when compared to the videos as well as audios presented by the petitioner's wife, reflect that they were different from the ones that were circulated on the WhatsApp group of the society. It was found that Respondent No.2 had edited the audios to give an impression that she is the victim. In most audios, although she is asserting that she was manhandled, however, the same appeared to be selectively edited.

31.6. It was found that Respondent No.2 is in habit of levelling allegations and she had made allegations of sexual assault against her father and brother as well.

31.7. Finding that the photographs, videos and MLC of Respondent No.2 after the incident show no sign of injury, the police concluded that the enquiry showed that the incident was one of a momentary heated argument and no cognizable offence was made out.

32. Coming to the steps stipulated by the Hon'ble Apex Court in ***Pradeep Kumar Kesarwani v. State of U.P.*** (*supra*), the answer to the *first* question is in the affirmative. The material relied upon by the petitioner stems from the enquiry undertaken by the police, which includes photographs and videos after the incident. Insofar as the second and third questions are concerned, the relied upon material belies the assertions of tearing of clothes and any physical assault as well, and the same cannot be justifiably refuted by Respondent No.2.



33. Most importantly, the answer to the fourth question is in the affirmative. It is pertinent to take note of the fact that the petitioner was seventy years of age at the time of the alleged incident, which took place in a public park located in a residential area. In her allegations, Respondent No.2 has repeatedly asserted that on being manhandled by the petitioner, she was screaming which ought to have altered all the residents whose houses are near to the park, despite which, none of the residents witnessed any physical altercation. As per the statements of residents who witnessed the incident, only a verbal quarrel took place. Although it is alleged by Respondent No.2 that her clothes were torn, however, the photos and videos captured after the incident reflect that Respondent No.2's clothes were in place and she had not suffered any injuries.

34. As per the allegations of Respondent No.2, the petitioner had entered the park with his wife, daughter and two servants along with two other persons. It appears not only improbable but also preposterous for an old man of seventy years of age to have physically assaulted Respondent No.2 in such a manner, torn her clothes and to have inserted his finger in her private parts, in the presence of so many persons including his family members. The absurdity of the allegations alone belies the case of Respondent No.2.

35. Moreover, admittedly, the parties have prior animosity between each other. Considering the inconceivable and ridiculous nature of allegations coupled with the absence of independent corroboration as



well as the material found in enquiry which suggests to the contrary, in the opinion of this Court, proceeding with the trial will result in abuse of process of Court.

36. Much emphasis has also been laid upon the conduct of Respondent No.2. It is pointed out that she has a tendency of making exaggerated and embellished complaints and she has preferred certain complaints in relation to assault and attempts of rape by her family members and RWA staff as well. It is argued that much prior to any complaint made by Respondent No.2 against the petitioner, complaints were made by RWA and various residents in regards to Respondent No.2 creating nuisance. It is argued that Respondent No.2 is in a habit of making spurious allegations. In her reply to the present petition as well, certain peculiar allegations have been made in relation to Respondent No.2 and her family being victims of a criminal conspiracy on account of their vulnerability.

37. Having found that there is no material to proceed against the petitioner and since the allegations are inherently absurd, this Court considers it apposite to desist from making any remarks against Respondent No.2 in relation to her prior complaints as well as the other allegations made in the pleadings before this Court.

38. Considering the aforesaid discussion in relation to the absurd nature of the allegations which are not supported by a shadow of credible evidence, in the opinion of this Court, continuation of proceedings will be an abuse of process of law. Subjecting the



petitioner to suffer the tribulations of trial in such circumstances would be tantamount to miscarriage of justice and the same warrants interference by this Court.

39. A stay was granted on the impugned order merely two days after the same was passed and it appears that no FIR was formally registered in the intervening period.

40. In view of the aforesaid discussion, impugned order as well as FIR, if any, registered at Police Station Vasant Kunj pursuant to the impugned order are quashed.

41. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 26, 2025

“SK”