



2025:DHC:4583



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

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Reserved on: 12th February, 2025

Pronounced on: 28th May 2025

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CRL.M.C.3879/2015, CRL.M.A. 13791/2015 (stay), CRL.M.A. 6228/2018 (for placing additional records), CRL.M.A. 33865/2019 (for compliance of Order dated 04.11.2015)

NISHANT PITTI

S/o Shri Anil Kumar Pitti,

R/O C-179, Vivek Vihar,

Delhi-110032

...Petitioner

Through: Ms. Rajdipa Behura, Senior
Advocate with Ms. Chandrani
Prasad, Advocates.

versus

1. **STATE OF NCT OF DELHI** ...Respondent No.1

2. **SMT. SONILA MEHRA**

W/o Sh. Gourav Mehra

R/o 508, 1st Floor, Mount Kailash,

New Delhi.

...Respondent No.2

Through: Mr. Sanjeev Bhandari, ASC for
the State.

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W.P.(CRL) 1319/2018 & CRL. M.A. 8039 OF 2018

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1. **STATE (NCT OF DELHI)** ...Respondent No.1

2. **SMT. SONILA MEHRA**
W/o Sh. Gaurav Mehra ...Respondent No.2
Shop No.506, Manisha Building,
Nehru Place, New Delhi

Through: Mr. Sanjeev Bhandari, ASC for
the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. The aforesaid two Petition under Section 482 of the Code of Criminal Procedure, 1973, (*hereinafter referred to as "Cr.P.C."*) has been filed on behalf of the Petitioner, Mr. Nishant Pitti, seeking quashing of ***FIR No. 614/2015 under Section 354/506/509*** Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) Police Station Amar Colony ***dated 17.05.2015***; and ***FIR No. 67/2018 under Section 509/354(D)/204 and 500 IPC and Section 66E/67*** Information Technology Act, 2000, (*hereinafter referred to as "IT Act"*) P.S. Kalkaji dated 27.02.2018, and all the consequential proceedings emanating therefrom.

2. It is submitted that the Petitioner's Company, M/s Easy Trip Planners Pvt. Ltd. and the two Companies of the Respondent No. 2, namely, Sonila Mehra, M/s Airworth Travels and Tours Pvt. Ltd. and M/s One World Solution Pvt. Ltd., started business in 2012. In the month of November, 2012, the Petitioner, Nishant Pitti's Company and the Respondent No. 2,



Sonila Mehra's Company entered into an arrangement whereby it was agreed that the Petitioner, Nishant Pitti shall place Orders for booking of tickets, domestic and international, for current, running advance and future in the time period allowed by the concerned Airlines. This arrangement for business continued between the Companies till 2015. During this period, the Respondent No. 2, Smt. Sonila Mehra and her Companies issued tickets to the Petitioner, Nishant Pitti's Company, which were further sold by the Petitioner, Nishant Pitti, to the customers as end users. Despite the Petitioner, Nishant Pitti having paid for the ticket amount to the Respondent No. 2, Sonila Mehra, disputes arose and their relationship got strained.

3. Since 15.11.2014, the Respondent No. 2, Sonila Mehra and her husband, Gourav Mehra started pressurising and forcing the Petitioner, Nishant Pitti, to pay extra money as they were facing financial problems, with an assurance to adjust/or repay the said amount. Rs.10,00,00,000/- were also demanded, which was nothing but an extortion bid on their part.

4. Thereafter, the Respondent No.2, Sonila Mehra and her husband, Gourav Mehra's Company started cancelling the confirmed tickets of the Petitioner's, Company. These disputes led to the Petitioner, Nishant Pitti filing a *CS(OS) No. 406/2015* for Permanent and Mandatory Injunction against the Respondent No. 2-Sonila Mehra, her husband-Gourav Mehra and their Companies wherein *vide ex-parte* Order dated 15.02.2015, the Court restrained the Defendants therein including the Respondent No. 2, Sonila Mehra, from cancelling Air Tickets issued through the Petitioner, Nishant Pitti, to the passengers from 15.02.2015 to 20.02.2015.

5. *FAO(OS) 457/2015* was preferred against the said Order by the Respondent No. 2, but it was dismissed on 31.08.2015.



6. Petitioner, Nishant Pitti also filed a *Complaint under Section 138 and 141 of the Negotiable Instrument Act, 1881 (for short 'N.I. Act')* in regard to three cheques of Rs.5 Crores each. A Summary Suit bearing CS(OS) No. 576/2015 for Recovery of Rs.9,29,50,502/- was also filed by the Petitioner, Nishant Pitti before this Court.

7. Petitioner-Nishant Pitti filed *Criminal Complaint dated 27.02.2015* against the Respondent No. 2, Sonila Mehra, her husband, Gourav Mehra and their Companies but no action was taken by the police. *Criminal Complaint CC No. 18/1/2015 under Section 190 Cr.P.C. along with an Application under Section 156(3) Cr.P.C.*, was then filed by Petitioner-Nishant Pitti in the Court of Ld. MM. On the directions of the Court, ***FIR No. 119/2015 under Section 406/409/420/268/384/506/34 IPC was registered at Police Station Economic Offence Wing.***

8. Petitioner-Nishant Pitti also filed a Complaint that on 14.03.2015, some unknown persons on behalf of the husband, Gourav Mehra of the Respondent No. 2, Sonila Mehra, extended threats to their life. ***NCR No. 606/2015 under Section 506 IPC***, was registered.

9. The petitioner has stated that in order to create a defence and to exert pressure, the Respondent No. 2, Sonila Mehra, through her father made a Complaint to the Police on 17.02.2015, on which eventually after three months, ***FIR No. 614/2015 dated 17.05.2015 under Section 506/509 IPC, was registered at Police Station Amar Colony.*** Thereafter, the Respondent No. 2, Sonila Mehra gave a motivated Statement under Section 164 Cr.P.C. dated 26.04.2015 was recorded by the Ld. M.M., on the basis of which Section 354 IPC, was added.



10. It is further submitted that the Respondent No.2, Sonila Mehra thereafter, filed another Complaint dated 25.09.2017 in Police Station Kalkaji making false and frivolous allegations which are nothing but a counter-blast to the multiple litigations initiated by the Petitioner, Nishant Pitti against the Respondent No. 2, Sonila Mehra and her husband, Gourav Mehra's Company.

11. It was claimed by Respondent no.1 that Petitioner, Nishant Pitti with an intention to harm her reputation and social standing, started forwarding, publishing the said Statement under Section 164 Cr.P.C to persons known to her and her husband, in social circle. On 06.09.2017 while she was present at her office at Nehru Place, it came to her knowledge through one Vikas Tandon, a close friend of her husband that he has received a copy of her Statement under Section 164 Cr.P.C. from the Petitioner, Nishant Pitti. The sole objective of forwarding the communication by the Petitioner, Nishant Pitti to Vikas Tandon was to defame her by making false imputations and for insulting her.

12. Respondent no.1 further asserted that the Petitioner, Nishant Pitti has been stalking her on social media i.e. Instagram and she has left with no option but to block him as she did not want him to be a part of her life in any manner. The Petitioner, Nishant Pitti made threats to her life and property and to her family for which various Complaints have already been made against the Petitioner, Nishant Pitti and his brother Rikant Pitti and other accomplices. Despite this the Petitioner, Nishant Pitti has been attempting to coerce her into withdrawing her Complaint against him and to abandon her rightful claim against him and his accomplices. She claimed that she is constantly in fear for herself and her family's safety.



13. On her Complaint, another ***FIR No. 67/2018 under Section 509/354(D) IPC and Section 66E/67 IT Act dated 27.02.2018*** was registered and the Chargesheet was filed on 06.06.2019.

14. ***The quashing of the FIR No. 614/2015 dated 17.05.2015 has been sought by the Petitioner, Nishant Pitti on the ground*** that the Complaint and the subsequent FIR was motivated and based on false and frivolous litigations. Statement made under Section 164 Cr.P.C. is in sharp contradiction to the Complaint dated 17.02.2015 on which the FIR was lodged. Moreover, this false FIR has been registered only to create pressure on the Petitioner, Nishant Pitti, to withdraw the cases against the Respondent No.2, Sonila Mehra, her husband, Gourav Mehra and their Companies.

15. The Respondent No. 2, Sonila Mehra never made any Complaint between 2012-2014 during which they had a friendly relation and it is only in 2015 that after the disputes arose between the parties that the present FIR bearing No. 614/2015 dated 17.05.2015 was registered on false allegations. No such incident as alleged in the FIR, ever took place. Moreover, the allegations made in the Complaint dated 11.02.2015 do not prima facie satisfy the ingredients of Section 354B/506/509 IPC. There is no *mens rea* in any of the alleged Act and the FIR bearing No. 614/2015 dated 17.05.2015, is liable to be quashed.

16. Furthermore, all the allegations pertain to the year 2012 and an incident of November, 2014, though no specific date has been given in the Statement under Section 164 Cr.P.C. Even otherwise, the FIR has been registered after an unexplained delay of more than seven months of the alleged incident. No MLC was ever got prepared.



17. It is submitted that the case falls squarely under the parameters defined by the Apex Court in the Case of State of Haryana vs. Bhajan Lal, 1990 SCR Supl. (3) 259 wherein it has been observed that *if 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 a sufficient ground for proceeding against the Accused and where the criminal proceedings are manifestly attended with mala fide or a maliciously instituted with an ulterior motive for wreaking vengeance on the Accused due to private and personal grudge*, the FIR is liable to be quashed.

18. ***The quashing of the FIR No. 67/2018 dated 27.02.2018 has been sought on the grounds*** that there is no particular date of incident/circulation of her statement under S.161 Cr.P.C. was given by Respondent No.2, Sonila Mehra in her Complaint. Safe presumption can therefore, be drawn that FIR is motivated and filed on false and frivolous allegations. There is an inordinate delay in registration of FIR which got registered on 27.02.2018, even though the Complaint was filed by Respondent No.2, Sonila Mehra on 15.09.2017 i.e. after a delay of about five months. It is further asserted that none of the offences under which FIR is registered, is made out on the contents of FIR when read in totality. The FIR has been made by Respondent No.2, Sonila Mehra at the behest and in connivance with her family members. It is a blatant misuse of powers of law since the provisions of IT Act are not attracted.

19. Even if it is assumed though not admitted, that Petitioner had communication with her through *Instagram*, but Petitioner, Nishant Pitti and Respondent No.2, Sonila Mehra were known to each other since long and



they were friends on various social media platforms, but that in itself is not an offence as their profiles were public and assessable to everyone. Respondent No.2, Sonila Mehra was using the social platform for promotion of the businesses and all the general messages as well as promotional messages were being circulated amongst the friends. ***No offence under Section 354(D) IPC or IT Act is, therefore, made out.*** It is further asserted that the Petitioner, Nishant Pitti is in no way connected with the alleged incident and the allegations have been made with ulterior motive and malafide intentions in the FIR.

20. In the end, it is submitted that the ***FIR No. 614/2015*** dated 17.05.2015 and ***FIR No. 67/2018*** dated 27.02.2018 along with all the consequential proceedings emanating therefrom, may be quashed.

21. ***Respondent No. 2 Sh. Sonila Mehra filed a detailed Reply wherein it is submitted*** that the Petition is based on *suppresio veri and suggestio fali* and is an abuse of the process of law. It is submitted that FIR No. 120/2015 dated 09.09.2015 under Section 409/467/468/471/107/109/120B/34 IPC, has been registered against the Petitioner, Nishant Pitti on the Complaint made by Gourav Mehra, Husband of the Respondent No. 2, Sonila Mehra and the present FIR is nothing but a counter-blast to the same.

22. It is further submitted that the remedy under Section 482 Cr.P.C. can only be exercised if there is no other alternative and efficacious remedy available to the Petitioner, Nishant Pitti. The Chargesheet stands filed on 11.08.2015 and the Petitioner, Nishant Pitti has already been summoned by the Ld. Trial Court *vide* Order dated 19.08.2015. The Summoning Order is challengeable under Section 397 Cr.P.C. Instead of adopting the alternate and efficacious remedy of filing the Criminal Petition under Section 397



Cr.P.C., the present Petition under Section 482 Cr.P.C. has been filed, which is liable to be dismissed on this ground itself.

23. Reliance has been placed on M.L. Bhatt vs. M.K. Pandita, JT 2002 (3) SC 89 wherein it has been observed that once the Chargesheet is filed, the FIR no longer remains sheet anchor. The chargesheet and the evidence placed in support thereof from the base to take or refuse to take cognizance by the competent Court. If it is not a case where no offence is made out in the chargesheet and the FIR, then the quashing should not be entertained.

24. On the similar grounds, the High Court had dismissed the Petition under Section 482 Cr.P.C., in the Case of Kailash Chand Sharma vs. State & Ors., 2005(2) JCC 602. Similar observations have been made in the Case of Harish Khurana vs. Union of India & Anr., 2005(2) JCC 1082; State of Himachal Pradesh vs. Pirthi Chand & Anr., 1996(2) SCC 37; Angad Puri & Ors. vs. M.D. Jindal, (Delhi) 2005 (2) JCC 1093; Janta Dal vs. H.S. Choudhary, 1992 4 SCC 305; Hamida vs. Rashid alias Rasheed, (2008) 1 SCC 474; Madhu Limaye vs. State of Maharashtra, AIR 1978 SC 47; Palaniappa Gounder vs. State of Tamil Nadu, AIR 1997 SC 1323; Gopal Das vs. State, 1978 CRI. L.J 961; Arun Shankar Shukla vs. State of U.P. & Ors., 1999 CrI. L.J. 3964; State of Madhya Pradesh vs. Awadh Kishore Gupta, 2004 (2) CRJ 161; State of Punjab vs. Subhash Kumar & Ors., (2004) 13 SCC 437; S.P. Chengalavaraya Naidu vs. Jagannath, AIR 1994 SC 853; MCD vs. State, (2005) 4 SCC 605; Satish Khosla vs. Eli Lilly Ranbaxy Ltd., 1998 (1) JCC (Delhi) 54; State of A.P. vs. T. Suryachandra Rao, (2005) 6 SCC 149.

25. It is submitted that the Petitioner, Nishant Pitti has concealed the material facts. She further submits that it is the material collected during the



investigation and evidence led before the court, which decides the fate of the accused person and therefore, the allegations against the Complainant are of no consequences.

26. It is further submitted that the relief which the Petitioner, Nishant Pitti is seeking, if granted, would amount to pre-judging the proceedings against the Petitioner. She further submits that mere pendency of civil disputes pending between the parties cannot be a ground for quashing of proceedings in the present case, as the same have no connection with the pending civil disputes, the present **FIR No. 67/2018** has been registered under sections 345D, 509 IPC and section 66E/67 of the IT Act.

27. It is submitted that from a prima facie reading of the FIR, essential ingredients of offences committed by the Petitioner, Nishant Pitti are made out and after conducting preliminary inquiry police had rightly registered the FIR against him.

28. **On merits**, it is asserted that the Respondent No. 2/Complainant, Sonila Mehra was being molested and harassed by the Petitioner, Nishant Pitti but she had not reported any incident on account of the threats extended by him. After being molested in November, 2014, the father was told by her in February, 2015, who then he made the Complaint dated 11.02.2015 to the Police. In her Statement under Section 164 CrPC, which was recorded on 26.05.2015, she had narrated all the incidents that happened with her. It is asserted that there is no contradiction between her Statement under Section 164 CrPC and the Complaint made by her father, which became the basis for registration of FIR.

29. *It is submitted that the present Petitions has no merit and is liable to be dismissed.*



30. *Status report been filed on behalf of the State in CRL.M.C.3879/2015*, wherein the facts leading to the lodging of FIR No. 614/2015 dated 17.05.2015 has been stated with a prayer to not quash the said FIR.

31. *Status Report has been filed on behalf of the State in W.P. (CRL.) 1319/2018*, wherein it has been submitted that Statement of Complainant/Respondent No.2 was recorded under Section 164 Cr.P.C. Section 500 IPC has been added in FIR No. **67/2018**. The investigation was at the initial stage and the persons to whom defamatory message may have been circulated, is yet to be examined.

32. While the present Petition was pending, the Chargesheet in **FIR No. 67/2018** has been filed before the Ld. M.M on 06.06.2019 under Section 509/354(d)/204/500 IPC and Section 67 IT Act.

33. *The Petitioner in the Rejoinder, has reaffirmed the assertions made in the main Petition.*

34. **Submissions heard and record perused.**

35. *A preliminary objection to the maintainability of the present Petition CRL.M.C. 3879/2015* has been taken on behalf of the Respondent No.2, Sonila Mehra. It is contented by Respondent No.2, Sonila Mehra that since the Chargesheet has already been filed and summons have already been issued against the Petitioner, Nishant Pitti, and there is already an alternate remedy of seeking Criminal Revision, therefore, the present Petition for quashing of the FIR and the Chargesheet is not maintainable.

36. Pertinently, the Apex Court in Shaileshbhai Ranchhodbhai Patel & Another v. State of Gujarat & Ors., Criminal Appeal No. 1884/2013 (decided on 28.08.2024) has categorically held that if upon a reading of the



contents of the FIR and the Chargesheet together, the High Court, while exercising jurisdiction under Section 482 Cr.P.C., is satisfied that no offence is disclosed and that *the continuation of such proceedings would amount to an abuse of the process of the Court*, then the FIR, even when the Chargesheet stands filed, may be quashed.

37. The reason for doing so emerges from the observations of the Apex Court in the case of Joseph Salvaraj A. v. State of Gujarat, (2011) 7 SCC 59, wherein it was held that **the power to examine** whether a prima facie case is made out or not still vests with the High Court even after the filing of the filing of the Chargesheet.

38. Similar observation was made in the case of Mamta Shailesh Chandra v. State of Uttarakhand, 2024 SCC OnLine SC 136, Anand Kumar Mohatta v. State (NCT of Delhi), (2019) 11 SCC 706, Abhishek v. State of M.P., (2023) 16 SCC 666, where the Hon'ble Apex Court has held that when it comes to the power of the High Court to prevent the abuse of the process of court or miscarriage of justice, there is no bar to exercising such power even when the chargesheet has already been filed. In such cases, where no prima facie case is made out or where there are no specific allegations against the accused, the continuation of proceedings would amount to a travesty of justice.

39. Therefore, in light of the aforesaid discussion, there is no bar on exercising the jurisdiction under Section 482 Cr.P.C. for quashing of FIR when chargesheet already stands filed.

40. ***The next question for consideration is whether this is a case where the test of the abuse of the process of Court or to secure the interest of justice for intervention under S.482 Cr.P. C. to quash the FIR, is satisfied.***



41. In the case of Bhajan Lal (*supra*), the Ld. Apex Court held that the discretion of quashing of FIR in exercise of inherent powers under Section 482 Cr.P.C. may be exercised *either to prevent the abuse of the process of Court or otherwise to secure the interest of justice*. The various categories of cases were defined which included: (i) *where the allegations made in the first information report or the Complaint even if taken on face value and accepted in its entirety, do not prima facie constitute any offence or make out a case against the Accused* and (ii) *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;* and (iii) *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.*

42. In State of A.P. v. Golconda Linga Swamy, (2004) 6 SCC 522, the Apex Court has discussed the material on which the High Court can assess for quashing an FIR. It was observed that only such material that manifestly fails to prove the accusation in the FIR, can be considered for quashing of an FIR. Further, it was observed that when a Complaint is sought to be quashed, it is permissible to look into the materials to assess what the Complainant has alleged and whether any offence is made out even if the allegations are accepted in toto.

43. In Mohd. Wajid v. State of U.P., 2023 SCC OnLine SC 951, the Apex Court has observed that whenever the jurisdiction of the High Court is invoked by an accused under Section 482 Cr.P.C. and Section 226 of the



Constitution seeking quashing of an FIR/Complaint in such case, the Court owes a duty to look into the FIR with care and a little more closely. The Apex Court further observed that “*the Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.*”

44. In Kim Wansoo v. State of U.P., 2025 SCC OnLine SC 17, the Apex Court has quashed the FIR on the ground that the same does not reveal the commission of offence and in such circumstances asking the accused to stand the trial would amount “*an abuse of process of law and as such, non-interference by refusing to exercise the power to quash the FIR and further proceedings based thereon, would result in miscarriage of justice.*”

CRL. M.C. 3879/2015: Quashing of the FIR No. 614/2015 under Section 506/509 IPC, PS Amar Colony dated 17.05.2015:

45. Now coming to the facts, it may be considered whether there exist valid reasons for quashing of the FIR.

46. From the aforesaid narration of the pleadings, it is evident that the Company of the Petitioner, Nishant Pitti and those of the Respondent No. 2, Sonila Mehra, got into business relationship in 2012 and thereafter, they had healthy business till about 2014 when disputes arose between their Companies and the relations became strained. Multiple litigations were



initiated on behalf of the Petitioner-Nishant Pitti; likewise, FIR No. 0120/2015 dated 09.09.2015 under Section 409/467/468/471/107/109/120B/420/34 IPC, Police Station Economic Offence Wing, got registered against the Petitioner, Nishant Pitti. This spate of filing Complaints against each other did not end and on the Complaint dated 11.02.2015 of the father of the Respondent No.2, Sonila Mehra, the present FIR No. 614/2015 dated 17.05.2015 under Section 506/509 IPC, got registered at Police Station Amar Colony. The said FIR was registered after three months on 17.05.2015 from the making of the Complaint dated 17.02.2015.

47. As per the Complaint of the Respondent No. 2, Sonila Mehra, the first Complaint got made by her father to the SHO on 11.02.2015 wherein essentially it was stated that his daughter (Respondent No. 2) and son-in-law and their children, who are residing in Mount Kailash, New Delhi, have been cheated by Petitioner, Mr. Nishant Pitti. For last so many days, he is continuously visiting their office and residence at odd hours and harassing his daughter. He further stated that he abuses and shows bad signals to his daughter. These facts have been disclosed to him by her today, i.e. on 11.02.2015. The Complaint was filed to inform that these threats, extortion and harassment are taking a toll on her health and she is under great pressure and that the detailed Complaint shall soon be filed by son-in-law i.e., Gourav Mehra.

48. Thereafter, the Respondent No. 2, Sonila Mehra gave a Statement to the Police official wherein she stated that Petitioner, Mr. Nishant Patti, who used to buy Air Tickets from her Company, used to come to her house. Now since some time whenever he came to their house, *he used to make indecent*



eye gestures and used to abuse and threaten of dire consequences if this is told to anyone. When she told this to her father, he made a Complaint dated 17.02.2015 in writing in the Police Station Amar Colony. In reference to the Complaint, her statement was recorded in her house by the Police. ***FIR No. 614/2015 under Section 506/509 IPC was recorded on 17.05.2015.***

49. Pursuant thereto, her ***Statement under Section 164 Cr.P.C. was recorded on 26.05.2015*** wherein she further claimed that on account of business dealings since 2012 onwards, she became more known to the Petitioner and started visiting each other's house. She stated that whenever he came to their house, he used to do "*gandi harkate with her*". He used to "*door se kiss karna, pass se nikalta tha to gandi baaten kehna, apne private parts of Fill karna ye sab karta tha.*" She further stated that in the end of November, 2014, while she was alone at home, he was drunk and said that this house is also his and that she also belonged to him. Thereafter, he tried to do "*jabardasti*". "*Mere ko pull kiya apni taraf aur lips par kiss karne ki koshish ki, mere breast ko feel karne ki koshish ki....* I pushed him away and he pulled my T-shirt. *Meri T-Shirt utarne ki koshish ki.*" Luckily the bell rang and her daughter who was playing outside returned home. She opened the door and asked him to leave. Before leaving, he threatened that he would come again. Even thereafter, he keeps coming to their Office. "*I don't tell my husband because I was feared him and I do not want the business of my husband to suffer.*"....*Mujhe darata bhi tha ki bachoo par acid phenk doonga.* She went into depression because of his threatening. Her father observed all this and she told him what all had happened. "*Phir papa ne police main complaint ki jake; ab vo nahin ata jata hai*".



50. The First Complaint dated 11.02.2015 was made by the father of the Respondent No.2, Sonila Mehra merely stated that for last so many days, he is continuously visiting their office and residence at odd hours and harassing his daughter. He further stated that his daughter has informed him that used to abuse her and also shows bad signals. From the Complaint of the father, it is quite evident that *it was only since few days* that the Petitioner, Nishant Pitti had started abusing and making bad gesture at his daughter. This is pertinent in the context that the business being done between the Companies of Petitioner, Nishant Pitti and the family of Respondent No.2, Sonila Mehra, developed differences and litigations started in 2014 and therefore, it was stated that *since last few days*, which indicate that the Complaint was prompted by the differences in business which had emerged between the Companies of the two parties.

51. This Complaint was made on 11.02.2015 but pertinently, nothing happened on it till 17.05.2015 when the Police went to the house of the Complainant/Respondent No. 2, Sonila Mehra, to record her statement. Pertinently, she also referred to the business relations between the Companies of her husband and those of the Petitioner-Nishant Pitti. She narrated that “*now some time ago*, whenever he comes to their house, he makes “*indecent eye gesture*” and used to abuse and threaten her with dire consequences, if this was told to anyone. She told her father about this, who made a Complaint in the Police Station.

52. The Statement made by the Complainant on 17.05.2015 to the Police, which became the basis of registration, also emphasised that *since some time ago*, which again reflects that the Respondent No. 2, Sonila Mehra allegedly started misbehaving since some time ago, which is relatable to the



emergence of business differences. Also, the only claim was that he used to make *eye gestures and threatened her with dire consequences, if she reported it to anyone*. There were no allegations of sexual abuse or any attempt to molest her decency.

53. Pertinently, in her ***Statement under Section 164 Cr.P.C. on 26.05.2015***, she gave an absolutely exaggerated version of saying that whenever he used to visit his house *since 2012* when they started their business, he used to kiss her from a distance and also touched her inappropriately. She went on to the extent of saying that in the end of November, 2014, he tried to outrage her modesty and threaten her against revealing this to anyone.

54. From the aforesaid Complaints and the Statement of the Respondent No. 2, Sonila Mehra, it clearly emerges that these allegations essentially were prompted on account of the multiple litigations, which got initiated between the parties.

55. In the offences against the women, the court has to be extra cautious and cognizant of the fact that bashfulness and reluctance to report the matter promptly is often a cause for delay in reporting the incident, but at the same time it cannot be overlooked that since many a times there is no corroboration except the sole statement of the Complainant, it at times becomes essential to consider the surrounding circumstances to *prima facie* assess its credibility. A delicate balance needs to be maintained between the rights of the victim and the accused.

56. If the initial Complaint dated 11.02.2015 of the father is read with the Statement of the Complainant made to the Police on 17.05.2015, clearly shows that even *prima facie* no allegations of molestation were made out



and the FIR was also registered only under Section 506/509 IPC. The allegations of has been subsequently introduced in the Statement recorded under Section 164 Cr.P.C. on 26.05.2015. It is clearly an afterthought; moreover the nature of allegations which also are *vague and exaggerated*, which clearly brings forth the falsity of the allegations made therein.

57. The Complaint made by the father, the Statement given by the Respondent No. 2/Complainant, Sonila Mehra to the Police and her Statement under Section 164 Cr.P.C. clearly brings forth that the allegations made by the Complainant, were crafted purely to wreak vengeance and out of personal grudges.

58. Recently, in *Naresh Aneja v. State of Uttar Pradesh* (2025) 2 SCC 604, the Hon'ble Apex Court quashed the Chargesheet on the basis of the vague statements produced before the Court, by observing that in absence of any direct allegation nor any support thereof in the FIR, the Statement in the Chargesheet and the statement under Section 164 Cr.P.C., no case under section 354 is made out against the accused.

59. While it is settled that once a Chargesheet has been filed, the Court must be circumspect to exercise its powers under Section 482 Cr.P.C. and the parties must be referred to the Trial Court, to take recourse to the provisions of Cr.P.C. and to exercise revisional jurisdictions, but mere filing of the Chargesheet cannot take away the inherent powers of this Court under 482 Cr.P.C., to quash the proceedings which are blatant misuse and abuse of the process of the Court.

60. In the light of aforesaid consideration of facts, it is established that multiple FIRs and Complaints have been filed since the business relations turned sour between the parties which assumes importance, as it reflects the



issue of wreaking vengeance out of private or personal grudges, as observed in the case of *Mohd. Wahid (supra)*.

61. For the reasons stated herein above, ***FIR NO. under Section 354/506/509 IPC Police Station Amar Colony, dated 17.05.2015 and all the consequential proceedings emanating therefrom is hereby, quashed.***

W.P.(CRL.) 1319/2018: Quashing of the FIR No. 67/2018 under Section 509/354(D)/204 and 500 IPC and 66E/67 IT ACT, PS Kalkaji dated 27.02.2018:

62. In the present case, the specific averments made by Respondent No.2 is that her Statement that was recorded under Section 164 Cr.P.C. in earlier FIR No.614/2015, had been circulated by the Petitioner to from one Vikas Tandon a friend of her husband on Whatsapp received by him on his mobile phone from mobile No.98****9345 allegedly belonging to the Petitioner, Nishant Pitti, about which she came to know.

63. During the investigations, Vikas Tandon stated that similar Whatsapp message has been received by one Kanwaljit Luthra. However, the malafides are apparent as Kanwaljit Luthra in his Statement recorded under Section 161 Cr.P.C. during the investigations, clearly refuted having received any such WhatsApp message and expressed his ignorance for as to why his name was taken by Vikas Tandon in his Statement.

64. Admittedly, the Chargesheet has been filed in FIR No.614/2015 and the Statement of Respondent No.2 under Section 164 Cr.P.C was given along with all other documents and copy of the Chargesheet to the Petitioner. Therefore, it is evident that he had received the same in accordance with law. There is no prima facie evidence even reflected in the



entire Chargesheet filed in FIR No. 67/2018 dated 27.02.2018 to show that there was any circulation of the Statement made by the Respondent No.2 to people at large. Only one Vikas Tandon has been identified as having received the copy of Statement on Whatsapp. However, even if these entire facts are admitted, there can be no case of **Section 509 and Section 354(D) IPC said to be made out.**

65. Section 204 IPC deals with destruction of documents to prevent its production. The entire Chargesheet does not disclose as to what documents have been destroyed and thus, had been prevented from being brought on record during the Trial. **Therefore, no offence under Section 204 IPC is made out.**

66. **Section 66E of IT Act** deals with the punishment for violation of privacy when the image of a private area of any person without his or her consent is captured, published or transmitted. **Section 67 IT Act** deals with the punishment for transmitting obscene material in electronic form. The only averment is that the Statement under Section 164 Cr.P.C. had been transmitted electronically, but by no interpretation can be termed as obscene material nor does it constitutes an offense in terms of Section 67 IT Act. Even if the entire case is admitted, **no offence under Section 66E and 67 of IT Act is made out.**

67. The Respondent No.2, Sonila Mehra had alleged that she was being stalked on Instagram, but it has been found that the Petitioner, Nishant Pitti in the friend list of Instagram and she was interacting with all the other friends including the Petitioner, Nishant Pitti on public platform. Admittedly, they had good business and social relations and, therefore, were exchanging messages on Instagram. The day the dispute arose as per the



Respondent No.2 herself, she blocked the Petitioner. There is not a single Instagram message which has been placed on record from where it could be said that he was stalking her on the social media. Even if the entire case of the Respondent No.2 is admitted, ***it does not disclose commission of any offence of stalking under S.354D IPC.***

68. Keeping in mind the facts and circumstances stated above both of these cases falls in the category of “*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*’ tantamounting to an abuse of process of the law and would not promote the interest of justice, *as defined in the case of Bhajan Lal (supra)*, the circumstances mandates the jurisdiction under S.482 Cr.P.C. must be exercised to quash the proceeding, in the interest of justice.

69. In the given facts and circumstances of this Case, ***the FIR No.67/2018 under Section 509/354(D) IPC and Section 66E/67 IT Act, P.S. Kalkaji, dated 27.02.2018*** and all the consequential proceedings emanating therefrom are hereby, quashed.

Conclusion:

70. The aforesaid two Petitions are accordingly allowed and ***FIR No. 614/2015 under Section 506/509 IPC, PS Amar Colony dated 17.05.2015*** and ***FIR No.67/2018 under Section 509/354(D) IPC and Section 66E/67 IT Act, P.S. Kalkaji***, and all the consequential proceedings emanating therefrom, are hereby, quashed.



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The petitions are accordingly, disposed of along with the pending Application(s).

**(NEENA BANSAL KRISHNA)
JUDGE**

May 28, 2025/va/RS