



2026:DHC:8505



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 15.09.2026

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+ CRL.M.C. 232/2023, CRL.M.A. 958/2023 & CRL.M.A. 32870/2023

RAVINDER KUMAR AHUJA & ANR.Petitioners

Through: Mr. Bharat Chugh, Mr. Maanish and
M. Choudhary, Advs.

versus

STATE OF NCT DELHI & ORS.Respondents

Through: Mr. Hemant Mehla, APP with Mr.
Aditya Choudhary and Ms. Divyanshi
Kapil, Advs.
SI Khushboo and SI Romi.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present petition under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'CrPC') has been filed by the Petitioners seeking quashing of **FIR No.712/2022**, registered at Police Station Mehrauli, New Delhi, and the proceedings emanating therefrom, insofar as they concern the Petitioners. The FIR was initially registered under Sections 376 AND 354 of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC'). Upon completion of investigation, a chargesheet came to be filed against the Petitioners for offences under Sections 376D, 354, 328 and 34 IPC.

FACTUAL MATRIX

2. Petitioner No. 1 is the owner of the farmhouse situated at 4, Mulberry Avenue, DLF Farms, Chhattarpur, New Delhi (hereinafter referred to as the



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“farmhouse”). Petitioner No. 2 is a retired Major General of the Indian Army and is stated to be the samdhi/in-law of Petitioner No. 1. The prosecutrix was employed as a security guard through M/s M-Five Security Services Pvt. Ltd. and, as per the chargesheet, was deployed at the farmhouse from 25.08.2022 till 09.11.2022.

3. In her statement forming the basis of the FIR, the prosecutrix stated that on an unspecified date in September, 2022, while she was on day duty at the farmhouse, Petitioner No. 1 offered her a cold drink. According to her, after consuming the same, she became unconscious and, upon regaining consciousness, found herself in a room near the bathroom. She further alleged that on another occasion, while she was on night duty, Petitioner No. 2 called her to a room at about 6:30 AM and, after threatening her, did “wrong” with her. The date of the said occurrence was also not specified.

4. Separate allegations were also levelled by the prosecutrix against another security guard in respect of an incident stated to have taken place on 8th/9th November, 2022. Thereafter, owing to a death in the family of a relative, the prosecutrix travelled to Uttarakhand. Upon returning to Delhi, she disclosed the alleged incidents to her son and approached the police. Her medical examination was conducted on 31.12.2022, though she declined an internal medical examination.

5. During investigation, the prosecutrix explained that she had been undergoing gynaecological treatment and apprehended pain during an internal medical examination. The medical documents produced by her were verified by the investigating agency. Her statement under Section 164 CrPC was also recorded and the allegations made therein were investigated, whereafter the Petitioners ultimately came to be charge-sheeted for the offences noticed



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above.

6. Records were obtained from M/s M-Five Security Services Pvt. Ltd. The chargesheet records that the prosecutrix performed both day and night duties at the farmhouse and was accompanied by a male security guard during her duty. The other security guards who had been deployed with her were also interrogated. The chargesheet records that they did not corroborate the allegations levelled by the prosecutrix. Her son was separately examined under Section 161 CrPC and, according to the investigation, corroborated the disclosure made to him by the prosecutrix.

7. The Petitioners also placed material before the Investigating Officer ('IO') alleging that the FIR was connected with pre-existing disputes concerning the farmhouse and that certain persons, described by them as members of a "land mafia", were attempting to assert rights over the property. This aspect was investigated. Several persons identified by the Petitioners joined the investigation, the CDR of the prosecutrix was compared with the telephone numbers furnished by the Petitioners and no calls with the identified persons were found during the relevant period. Her bank account was also analysed and no suspicious monetary transaction was found during the period examined.

8. Certified Call Detail Records ("CDRs") of the prosecutrix and the Petitioners were also procured and analysed. The investigation records that the prosecutrix was on day duty from 24.08.2022 to 31.08.2022 and again from 21.09.2022 to 30.09.2022, and on night duty from 01.09.2022 to 20.09.2022. Insofar as Petitioner No. 2 is concerned, the location of his mobile phone was found near the farmhouse on 07.09.2022 in the morning, whereas no location of the mobile phone of the prosecutrix at the farmhouse was found



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on that date.

9. Insofar as Petitioner No. 1 is concerned, the investigation records the location of his mobile phone at the farmhouse on 31.08.2022 between approximately 2:15 PM and 4:00 PM; on 06.09.2022, 07.09.2022, 08.09.2022 and 09.09.2022 during the evening hours, and again on 25.09.2022 during the afternoon. Petitioner No. 1 also produced the original entry/exit register maintained at the farmhouse, which was seized during investigation. The chargesheet records that the entries therein were compared with the mobile-phone locations.

10. According to the Petitioners' own case, Petitioner No. 1 was present at the farmhouse on 06.09.2022 from 6:39 PM to 8:30 PM; on 07.09.2022 from 6:40 PM to 7:01 PM; on 08.09.2022 from 6:47 PM to 7:30 PM; on 09.09.2022 from 3:33 PM to 5:04 PM; and on 25.09.2022 from 2:45 PM to 4:27 PM. Petitioner No. 2 is stated to have visited the farmhouse only on 07.09.2022 for a brief period during the morning. Upon completion of investigation, the IO concluded that sufficient material existed to prosecute the Petitioners and consequently filed the chargesheet.

SUBMISSIONS ON BEHALF OF THE PETITIONERS

11. Learned counsel appearing for the Petitioners submits that the prosecution case stands falsified by the material collected by the investigating agency itself. It is submitted that the Petitioners were about 79 and 82 years old at the relevant time. Petitioner No. 2 is a retired Major General of the Indian Army and both Petitioners are stated to suffer from several age-related ailments. Their age, medical condition and the nature of the allegations are relied upon to contend that the prosecution version is inherently improbable.



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12. The principal reliance is placed upon the CDRs and the entry/exit register. Learned counsel submits that these are not documents subsequently created by the defence but form part of the investigation itself and demonstrate that the Petitioners and the prosecutrix were not present at the farmhouse at the same time in the manner alleged. Particular emphasis is placed upon Petitioner No. 2 having visited the farmhouse only on 07.09.2022 in the morning, when the mobile phone of the prosecutrix was not located there. It is, therefore, urged that the material collected by the prosecution itself furnishes a complete alibi.

13. Learned counsel further submits that the prosecutrix was accompanied by a male security guard while on duty and none of the security guards examined during investigation corroborated her allegations. Reliance is also placed upon the delay in approaching the police, absence of any contemporaneous complaint to the security agency, continuation of the prosecutrix on duty till November, 2022, refusal to undergo an internal medical examination and the alleged inconsistencies between her versions at different stages.

14. Learned counsel also relies upon the fact that no photograph relating to the prosecutrix was found in the gallery of the mobile phone produced by Petitioner No. 2 when the same was seized. The medical records of the Petitioners and the pre-existing property disputes concerning the farmhouse are also relied upon to contend that the allegations are inherently improbable and have been made with a view to exert pressure upon Petitioner No.1.

15. In support of the prayer for quashing, learned counsel has placed reliance upon ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335; Mohd. Wajid & Anr. v. State of U.P. & Anr., 2023 SCC OnLine SC 951;***



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Ramezfaqiri v. State (NCT of Delhi); Chanchalpati Das v. State of West Bengal; Sunder Singh v. State of M.P.; Prashant Bharti v. State (NCT of Delhi), (2013) 9 SCC 293; Vineet Kumar v. State of U.P., (2017) 13 SCC 369; State (NCT of Delhi) v. Jiwan Kant Jain, 2021 SCC OnLine Del 1192; Gunjan Sehgal v. State (NCT of Delhi) & Ors., 267 (2020) DLT 679; Varinder Kumar @ Vicky v. State of Punjab; Ramesh Thakur & Ors. v. State (NCT of Delhi) & Ors., 2013 (2) JCC 1411 and P (Complainant) v. State (NCT of Delhi) & Anr., 2024:DHC:5733.

SUBMISSIONS ON BEHALF OF THE STATE

16. Learned APP for the State opposes the petition and submits that investigation has been completed and the chargesheet has already been filed. It is submitted that the absence of a precise date in the statement of the prosecutrix does not, at this stage, establish that the alleged offences were not committed. The truthfulness of her allegations and the evidentiary value of the material relied upon by the Petitioners are matters which have to be tested before the Trial Court.

17. Learned APP further submits that the CDRs do not conclusively rule out the allegations. The Petitioners' medical documents also do not establish physical incapacity to commit the acts alleged. It is submitted that accepting the Petitioners' contentions would require this Court to draw factual inferences from the CDRs, evaluate the statements of the witnesses and weigh competing pieces of evidence, which would amount to conducting a trial in proceedings under Section 482 CrPC

FINDINGS AND ANALYSIS

18. This Court has heard learned counsel for the parties and perused the



material placed on record.

19. The principal question which arises is whether the material relied upon by the Petitioners is of such sterling and unimpeachable character that it completely displaces the factual foundation of the prosecution and renders continuation of the criminal proceedings an abuse of the process of law.

20. The scope of jurisdiction under Section 482 CrPC is well settled. Though the power is wide enough to prevent abuse of the process of Court, it cannot ordinarily be exercised by undertaking an appreciation of evidence or by testing the prosecution case against the probable defence of an accused. In **Priyanka Jaiswal v. State of Jharkhand and Others, 2024 INSC 357**, the Supreme Court observed as under:

“13. We say so for reasons more than one. This Court in catena of Judgments has consistently held that at the time of examining the prayer for quashing of the criminal proceedings, the court exercising extra-ordinary jurisdiction can neither undertake to conduct a mini trial nor enter into appreciation of evidence of a particular case. The correctness or otherwise of the allegations made in the complaint cannot be examined on the touchstone of the probable defence that the Accused may raise to stave off the prosecution and any such misadventure by the Courts resulting in proceedings being quashed would be set aside.”

21. The principle has been reiterated in **Muskan v. Ishaan Khan (Sataniya) and Others, 2025 INSC 1287**. While considering an order by which criminal proceedings had been quashed on the basis of alleged improvements in subsequent complaints, the Supreme Court observed:

“22. On the aspect of the powers of the Courts under Section 482 of the Cr.PC, it is settled that at the



stage of quashing, the Court is not required to conduct a mini trial. Thus, the jurisdiction under Section 482 of the Cr.PC with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised.”

The Supreme Court further held that an enquiry into whether subsequently stated allegations were an afterthought or a counterblast would amount to entering upon their credibility at the threshold.

22. At the same time, there is no absolute prohibition against considering material relied upon by an accused. In ***Rahul v. State of Uttar Pradesh and Another, 2026 INSC 825***, the Supreme Court considered a case where the accused, a member of the Border Security Force, relied upon an official service certificate which affirmatively established that he was on official duty away from the place of occurrence during the relevant period. Referring to ***Prashant Bharti (supra)***, the Supreme Court observed:

*“This Court in ***Prashant Bharti v. State (NCT of Delhi)***, while applying ***Rajiv Thapar (supra)*** case held that where defence material of sterling and unimpeachable quality is placed on record, and such material completely demolishes the prosecution case, the High Court would be justified in quashing the proceedings even at the pre-trial stage, since no purpose is served in allowing a prosecution to continue when the material produced convincingly demonstrates that the allegations are patently false. The Court further proceeded to hold that to permit the prosecution to proceed further in such circumstances would itself be an abuse of the process of the court.”*



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23. **Rahul (supra)**, however, also recognises the distinction between an ordinary plea of alibi, which is ordinarily required to be proved during trial, and documentary material which is beyond reasonable dispute. The material relied upon therein was an official service record maintained in the ordinary course of duty by the Armed Forces. Its authenticity, issuing authority and contents had not been disputed and the investigating officer had himself acknowledged the material showing the accused to have been on duty elsewhere.

24. It is in this legal framework that the CDRs and the entry/exit register relied upon by the Petitioners have to be examined. The submission made on their behalf is that the said material conclusively demonstrates that the Petitioners and the prosecutrix were never present at the farmhouse at the same time. On a consideration of the record, this Court is unable to accept the submission in such absolute terms.

25. Insofar as Petitioner No. 1 is concerned, the investigation itself records the location of his mobile phone at the farmhouse on several dates during the relevant period, including 31.08.2022, 06.09.2022 to 09.09.2022 and 25.09.2022. More importantly, according to the Petitioners' own entry/exit record, Petitioner No.1 was present at the farmhouse on 25.09.2022 from about 2:45 PM till 4:27 PM, whereas the investigation records the prosecutrix as being on day duty during the period from 21.09.2022 till 30.09.2022.

26. This Court is not holding that the alleged occurrence involving Petitioner No.1 took place on 25.09.2022. The prosecutrix has not furnished any such precise date. The relevance of the said circumstance is confined to the Petitioners' plea of complete impossibility. The material before this Court does not permit a finding that Petitioner No.1 and the prosecutrix could never



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have been present at the farmhouse at the same time during the relevant period.

27. Insofar as Petitioner No. 2 is concerned, the material relied upon by the Petitioners records his visit to the farmhouse on 07.09.2022 during the morning. The CDR analysis also records that the mobile phone of the prosecutrix was not located at the farmhouse on that date. This is undoubtedly a circumstance which Petitioner No. 2 would be entitled to rely upon.

28. However, the prosecutrix has not attributed the alleged occurrence involving Petitioner No. 2 specifically to 07.09.2022. The precise date of the alleged occurrence remains unspecified. Further, the CDR reflects the location of a mobile handset. To accept the plea of complete impossibility at this stage, the Court would have to treat the entry/exit register as an exhaustive record of every physical visit and simultaneously treat the presence or absence of the mobile-phone location as conclusive proof of the physical presence or absence of its user. The evidentiary value of such material has to be established in accordance with law.

29. The distinction from **Rahul (supra)** is, therefore, material. In that case, an undisputed official service record affirmatively placed the accused on official duty elsewhere during the relevant period. Here, the Court is being invited to arrive at a factual conclusion by correlating CDR locations, absence of locations, the duty roster, the entry/exit register and allegations in which the exact date itself has not been specified. The material relied upon may constitute a substantial defence, but it does not presently meet the standard of unimpeachable material which, by itself, completely demolishes the prosecution case.

30. The decision of this Court in **Ryan Sequeira v. State of NCT of Delhi**



& Anr., 2022:DHC:3383, is also instructive. In that case, the accused sought quashing of criminal proceedings, inter alia, on the basis of electronic location material. There was also considerable delay in lodging the FIR and alleged contradictions between the earlier complaint and the FIR. This Court nevertheless held:

“32. It can be seen that there are contradictions between the complaint and the FIR filed and there is a delay of filing of the FIR by one year. Even though these aspects poke holes in the case of the complainant, this has to be adjudicated before the trial court. The complainant needs to be given an opportunity to explain the delay and also the contradictions in the complaint and the FIR. It is a sensitive matter requiring that the side of the complainant is heard. At this juncture, the Ld. Counsel for the complainant has not offered explanation for the contradiction in the FIR and the complaint. It would not be fair to the complainant to thwart the investigation at this stage, especially when the chargesheet has been filed.

33. The conduct of the respondent no. 2, the contradictions in the complaint and the FIR, need to be explained before the trial court. The google location as disclosed in the status report needs to be put to Respondent no. 2 in her cross-examination and should constitute as part of trial. The Ld. Counsel for the complainant/Respondent no. 2 has explained the delay in FIR by stating that the Respondent no. 2 wanted to work on her marriage and did not want any disturbances in the family peace as she was a newlywed and her alleged harasser was the boyfriend of her sister-in-law.”

31. This Court thereafter observed in **Ryan Sequeira (supra)** that, once a



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cognizable offence had been disclosed and a chargesheet had been filed upon investigation, the High Court could not assume the role of the investigating agency or the Trial Court and enter into the intricacies of the evidence. The principle squarely applies here. Determination of the effect of the CDRs would require examination of the precise period to which the allegations relate and the extent to which the handset locations correspond with the physical presence of the concerned persons.

32. The submission based upon non-corroboration by the other security guards also cannot, by itself, result in quashing. The chargesheet itself records that the other guards did not corroborate the prosecutrix. The circumstance is, therefore, available to the Petitioners and may be relied upon before the Trial Court. Its consequence, however, can be assessed only after the nature of their deployment, their location at the relevant time and the circumstances in which the alleged occurrences are stated to have taken place are examined in evidence.

33. The delay in approaching the police, absence of a contemporaneous complaint to the security agency and continuation of the prosecutrix on duty until November, 2022 are similarly relevant circumstances. They may have a bearing upon the credibility of the prosecution case. Their effect, however, cannot be conclusively determined without considering the explanation of the prosecutrix and testing the same during evidence. The alleged differences between her initial version and the subsequent statement under Section 164 CrPC also require appreciation of evidence. As held in **Muskan (supra)**, the High Court cannot itself determine at the stage of quashing that allegations subsequently stated are necessarily an afterthought merely by comparing different versions.



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34. The refusal of the prosecutrix to undergo an internal medical examination does not conclude the matter either. The investigation records both the refusal and the explanation offered by her, namely, that she was already undergoing gynaecological treatment and apprehended pain during an internal examination. The medical documents furnished by her were also verified. The weight to be attached to such refusal and the explanation offered for it would have to be considered by the Trial Court along with the other evidence.

35. The Petitioners have further relied upon the absence of any photograph of the prosecutrix from the mobile phone produced by Petitioner No. 2. The seizure memo records that, when the mobile phone was checked at the time of seizure, no photograph relating to the prosecutrix was found in its gallery. The chargesheet, however, records that the mobile phone had thereafter been sent for forensic examination and that the FSL result was awaited. Thus, the material available at that stage cannot be treated as a concluded forensic finding disproving the prosecution case. In any event, the absence of such photograph would primarily bear upon the allegation regarding photographs having been taken and cannot, by itself, conclusively disprove the substantive allegations forming the subject matter of the chargesheet.

36. Considerable emphasis has also been placed upon the age and medical condition of the Petitioners. This Court is conscious that both Petitioners are senior citizens and that medical records concerning their ailments have been placed on record. However, age or the existence of medical ailments, by itself, cannot lead to an inference that the acts alleged were physically impossible.

37. In fact, the medico-legal examination reports forming part of the chargesheet record, in respect of both Petitioners, that nothing was found to



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suggest that either of them was incapable of performing sexual intercourse under ordinary circumstances. The medical records relied upon by the Petitioners may be relevant to their defence, but they do not furnish unimpeachable material establishing physical incapacity. The submission based upon their age and medical condition, therefore, cannot form the basis for quashing the proceedings at this stage.

38. The contention that the prosecution is a consequence of the property dispute has also been investigated. Persons identified by the Petitioners were interrogated and the CDR of the prosecutrix was compared with the telephone numbers furnished by the Petitioners. No calls with the identified persons were found during the period examined. Her bank account was also analysed and no suspicious monetary transaction was found.

39. This does not preclude the Petitioners from establishing, in accordance with law, that they have been falsely implicated on account of the property dispute. The limited finding at this stage is that the alleged nexus between the prosecutrix and the persons involved in the property dispute has not emerged as an admitted or unimpeachable circumstance which, by itself, destroys the prosecution case. Likewise, the circumstance that earlier criminal cases involving Petitioner No. 1 are stated to have culminated in closure reports cannot determine the correctness of the allegations in the present FIR, which have to be tested on the material collected in the present case.

40. The legal position emerging from the authorities noticed above is clear. **Priyanka Jaiswal (supra)** and **Muskan (supra)** caution against testing the prosecution case against a probable defence or deciding questions of credibility while exercising jurisdiction under Section 482 CrPC **Ryan Sequeira (supra)** applies the same principle where electronic location



material, delay and contradictions require examination during trial. **Rahul (supra)**, on the other hand, recognises the exception where the defence material is of such sterling and unimpeachable character that it completely destroys the factual basis of the prosecution.

41. The material relied upon in the present case does not satisfy the latter standard. To accept the Petitioners' case at this stage would require this Court to draw conclusions from mobile-phone locations, determine the conclusiveness of the entry/exit register, assess the effect of non-corroboration by the other security guards, evaluate the explanation for delay and refusal of internal medical examination, assess the effect of the medical material concerning the Petitioners and finally determine whether the underlying property dispute furnishes a motive for false implication. Such an exercise would necessarily involve appreciation of evidence.

42. It is equally necessary to clarify that dismissal of the present petition does not amount to acceptance of the allegations of the prosecutrix as proved. The Petitioners have raised defences which shall remain open to them to urge before the Trial Court in accordance with law. The CDRs, entry/exit register, duty records, statements of the security guards, medical material and electronic evidence shall be considered by the Trial Court on their own merits at the appropriate stage.

43. In these circumstances, this Court finds no ground to exercise its inherent jurisdiction under Section 482 CrPC to quash **FIR No.712/2022** or the proceedings emanating therefrom insofar as they concern the Petitioners.

44. The petition is, accordingly, dismissed. Pending application(s), if any, stand disposed of. Interim order(s), if any, stand vacated.

45. It is clarified that the observations made herein are confined to the



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adjudication of the present petition and shall not be construed as an expression on the merits of the case. The Trial Court shall consider the matter independently, in accordance with law, without being influenced by any observation made herein.

**MADHU JAIN
(JUDGE)**

SEPTEMBER 30, 2026/m

Signature Not Verified

Signed By: BHARTI
Signing Date: 30.09.2026
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