

State Vs. Monty Tyagi & Ors.

CNR No.: DLCT01-003732-2025

SC No.: 161/2025

FIR No.: 1015/2021

Under Sections: 308/452/323/341/427/506/34 IPC

P.S.: Burari

16.03.2026

Present: Mr. Amit Dabas, Ld. Addl. PP for the State.
Mr. Sudhanshu Tyagi, Ld. Proxy Counsel for Mr. Vimal Tyagi Counsel for all the accused persons.
Mr. Muzammil, Ld. Counsel for the complainant.
The accused persons, namely, Monty Tyagi, Hritik Tyagi and Mithun Tyagi are present on bail.
Proceedings *qua* the accused, namely, Surender have already abated on 03.03.2025.

ORDER ON CHARGE

1. The arguments of learned counsel for the accused persons, namely, Monty Tyagi, Hritik Tyagi and Mithun Tyagi (hereinafter referred to as the '***accused persons***'), Ld. Counsel for the complainant and that of Ld. Addl. PP for the State, heard as well as record(s)/material placed on record, including the written submissions filed by/on behalf of the accused persons as well as the case laws, thoroughly perused.

2. Tersely put, the case of the prosecution is that on 06.12.2021 on receipt of PCR call *vide* DD No. 156A, the concerned police official reached at Aqua Garden, Burari (*hereinafter referred to as the '***spot***'*), where it was determined that one car bearing no. DL-8CBC-7998 was lying in a damaged condition, besides several persons were found assembled. Concurrently, it was determined that the victims had been shifted to Aruna Asaf Ali Hospital. Ergo. The concerned police official proceeded for the said Hospital, where the victim/complainant, Ganpat was found under treatment vide MLC No. 2126/21,

wherein it was recorded that the complainant had sustained, “... *CLW +ve (Rt.) parieto-temporal region...*”, which nature of injury was subsequently opined as ‘*simple*’. Concurrently, one Santosh, S/o. Ganpat and Rakhi, W/o. Ganpat were also found under treatment *vide* ME nos. 7512/21 and 7511/21, respectively. Markedly, at that point in time, the complainant was determined to be unable to give his statement, who subsequently *inter alia* proclaimed under his complaint that he was present along with his family, to attend a wedding at Aqua Garden, Burari on 06.12.2021 at around 09:30 p.m. As per the complainant, at around 10:15 p.m., a scuffle ensued between one motorcycle rider and the members of the wedding procession, owing to rush whereupon said motorcycle proclaimed, “*main Burari gaon ka Monty hun, tumhe abhi batlata hun*”. It was further asserted by the complainant under his complaint that he endeavored to pacify the said motorcycle rider, however, he called someone, whereupon, other persons reached at the spot in one red color car and who were carrying *dandas* in their hands. Soon thereafter, as per the complainant, Monty pulled him and the said persons, who approached at the spot, started hitting him/the complainant on his head with *dandas*, with an intention to kill. As per the complainant, when his son and wife tried to intervene, the said persons also hit them as well as abused them, besides climbed on the vehicle, which was to be given as a gift and damaged the said vehicle. Further, as per the complainant, when they tried to escape, the said persons followed them and beat them up again as well as threatened to kill them, while one person avowed, “*main Surrender thekedar hun aur mere parivaar hai*” and thereafter, left from the spot. As per the complainant, he subsequently, determined the names of some of

the said perpetrators as Monty, Surender Thekedaar, Hritik Tyagi and Mithun Tyagi. Markedly, under said facts and circumstances, the instant FIR came to be registered, and investigation ensued. Relevantly, during the course of ensuing investigation, CCTV footage of the incident spot was retrieved, besides the accused persons were joined in the investigation. Concomitantly, the statements of various witnesses were recorded, site plan was prepared and on conclusion of investigation, the instant chargesheet came to be filed.

3. At the outset, it pertinent to observe the settled law¹ that at the stage of framing of charges, neither can the truth, veracity and effect of the prosecution case be meticulously judged, nor can any weight to be attached to the probable defence of the accused. On the contrary, at such a stage, only the sufficiency of ground for proceeding against the accused, on a general consideration of materials placed before the Court by the investigating police officer is relevant. In fact, the probative value² of the material on record cannot be gone into, and the material placed on record by the prosecution has to be accepted as true at that stage. Relevantly, at the stage of framing of charge, only the police report³ is required to be considered and the defence of the accused⁴ cannot be looked into. Further, though, sifting of evidence is permissible⁵, however, scanning of evidence in detail is not. Concomitantly, it is trite law⁶ that the inconsistency in the

¹ *State of Bihar v. Ramesh Singh*, AIR 1977 SC 2018

² *Soma Chakravarty v. State*, (2007) 5 SCC 403

³ *State Anti-Corruption Bureau, Hyderabad & Anr. v. P. Suryaprakasam*, (1999) SCC (Cr.) 373 and *State of Orissa v. Debendra Nath Padhi*, 2005 (1) SCC 568

⁴ *State of Gujarat v. Dilipsinh Kishorsinh Rao*, 2023 SCC OnLine SC 1294

⁵ *State of Maharashtra v. Priya Sharan Maharaj & Ors.*, (1997) 4 SCC 393

⁶ *Sheoraj Singh Ahlawat v. State of U.P.*, (2013) 11 SCC 476

material produced by the prosecution or defect in investigation⁷, cannot be looked into for discharge of an accused, in the absence of full-fledged trial. Needless to further emphasize⁸ at the stage of charge, court is not even required to record detailed reasons as to why charge is framed, rather⁹, a very strong suspicion founded upon materials placed before the Court, which leads it to form a presumptive opinion as to the existence of factual ingredients constituting the offence alleged, may justify the framing of charges. Apposite to further note that it is trite law¹⁰ that the inconsistency in the material produced by the prosecution cannot be looked into for discharge of an accused, in the absence of full-fledged trial. In fact¹¹, it is only when no case is made out even after presuming entire prosecution evidence, only then can an accused be discharged. Needless to further accentuate¹², at the stage of framing of charge, the sufficiency of materials for the purpose of conviction is not required.

4. Therefore, being wary of the principles hereinunder noted, as well as upon appreciation of facts and circumstances of the case, materials/documents placed on record, including *inter alia* the contents of the chargesheet, MLC of the complainant and the medical examination reports of the victims, statements of witnesses, CCTV footage, and other material brought on record, *prima facie* case under Sections 308, 323, 341, 427 and 452 IPC read with Section 34/149 IPC stands established against the accused persons. Further, from the perusal of case record, it is

⁷ *State of Tamil Nadu by Inspector of Police v. N. Suresh Ranjan & Ors.*, (2014) 11 SCC 709

⁸ *Bhawna Bai v. Dhanshyam & Ors.*, (2020) 2 SCC 217

⁹ *Supdt. and Remembrance of Legal Affairs, West Bengal v. Anil Kumar Bhunja*, AIR 1980 SC 52 and *Sajjan Kumar v. CBI*, (2010) 9 SCC 368

¹⁰ *Sheoraj Singh Ahlawat v. State of U.P.*, (2013) 11 SCC 476

¹¹ *Manjit Singh Virdi v. Hussain Mohammed Shattaf*, (2023) 7 SCC 633

¹² *Sonu Gupta Vs. Deepak Gupta & Ors.*, (2015) 3 SCC 424

revealed that there is strong suspicion and sufficient material/ground(s) to proceed against the said accused persons. Correspondingly, there are witness(es) who can depose against them. In so far, as the contention of the Ld. Counsel for the accused persons regarding the nature of injury on the body of the complainant to repel the charge is concerned, the same does not find favour with this court in view of the settled judicial precedents¹³. Further, it is also a trite law that¹⁴ mere defect in investigation cannot, in itself, be a ground for discharge. Lastly, the contentions of the Ld. Counsel for the accused persons that there was no *mens rea* on the part of the accused persons or that there was no premeditation and the incident being occasioned due to sudden fight or that members of the marriage procession/*baratis* being the actual perpetrators are concerned, are subject matters of trial, which cannot be considered at the present stage of charge. However, it is pertinent to note at this stage that from material placed on record, no grounds for proceeding with the framing of charges, against the accused persons, under Section 506 IPC¹⁵, in the considered opinion of this Court, is made out at this stage. Apposite to further note at this stage that, though, this Court though holds highest regard for the judgments cited by the Ld. Counsel for the accused persons [*i.e.*, ***Roop Chand @ Lala v. State, Crl. A. 2204/2010, dated 22.09.2020 (SC)***; and ***State v. Rohit Sharma, Crl. Rev. No. 147/2023, dated 26.11.2024, (DHC)***], however, the same would not come to the aid and/or rescue of the

¹³ *S.K. Khaja v. State of Maharashtra*, 2023 SCC OnLine SC 1093 and *Veer Bahadur Singh v. State*, 2015 SCC OnLine Del 8223.

¹⁴ *State of Tamil Nadu by Inspector of Police v. N. Suresh Ranjan & Ors.*, (2014) 11 SCC 709

¹⁵ The allegations under Section 506 IPC are directed against accused Surender Tyagi, who has since left for heavenly abode and the proceedings are already abated vide order dated 03.03.2025 of Ld. JMFC-09, Central, THC.

accused persons, as the facts and circumstances as well as the stage of the present proceedings are clearly distinguishable.

5. Accordingly, in view of the foregoing, charge under **Sections 308, 323, 341, 427 and 452 IPC** read with **Section 34/149 IPC** is framed against the accused persons, namely, **Monty Tyagi, Hritik Tyagi** and **Mithun Tyagi**. The said charges are read out to the accused persons in vernacular language and upon the accused persons, comprehending the same, they have pleaded not guilty and claimed trial.

6. List for PE on **08.06.2026**.

7. **Issue summons** against **PW Ganpat (Sr. No. 1)**, **PW Gajender Pal (Sr. No. 2)**, **Ct. Ram Naresh (Sr. No. 9)** and **DO/HC Bijay Shankar Singh (Sr. No. 11)** along with the **concerned IO/SI Sudhir Rathi** for the next date of hearing.

(**Abhishek Goyal**)
ASJ-03, Central District,
Tis Hazari Courts, Delhi
16.03.2026