

**IN THE COURT OF SH. GAURAV KATARIYA, JMFC-07, NORTH-  
WEST DISTRICT, ROHINI COURTS, DELHI**

DLNW020099192020



**State vs. Aditya & Ors.  
Case No. 2306/20  
FIR No. 371/2016  
PS: Shalimar Bagh  
U/s : 323/452/341/34 IPC**

**J U D G M E N T**

|                                        |                                                                                                                                                               |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ID number of the case</b>           | <b>DLNW020099192020</b>                                                                                                                                       |
| <b>Date of commission of offence</b>   | <b>23.05.2016</b>                                                                                                                                             |
| <b>Date of institution of the case</b> | <b>29.08.2020</b>                                                                                                                                             |
| <b>Name of the complainant</b>         | <b>Qayyum Quraishi</b>                                                                                                                                        |
| <b>Name of accused and address</b>     | <b>1) Anand Goel S/o Late Sh. I.S Goel,<br/>2) Akhil Goel S/o Sh. Anand Goel,<br/>3) Renu Goel W/o Sh. Anand Goel,<br/>4) Aaditya Goel S/o Sh. Anand Goel</b> |
| <b>Offence complained of</b>           | <b>U/s 323/452/341/427/34 IPC</b>                                                                                                                             |
| <b>Plea of the accused</b>             | <b>Pleaded not guilty</b>                                                                                                                                     |
| <b>Final order</b>                     | <b>Acquittal</b>                                                                                                                                              |
| <b>Date of judgment</b>                | <b>01.08.2026</b>                                                                                                                                             |

**BRIEF STATEMENT OF FACTS FOR THE DECISION:**

01. Shorn of unnecessary details, the case of the prosecution is that on on 23.05.2016, at about 02:30 PM, at AJ-25C, Shalimar Bagh, Delhi within the jurisdiction of PS Shalimar Bagh, you all in furtherance of your common intention voluntarily entered in the above mentioned house with intend to cause hurt and wrongfully restraint the complainant and voluntarily caused simple injuries to the complainant namely Qayyum Qureshi by giving beatings to him with rod/danda and also damaged the belongings of the complainant and thereby, you all committed an offence punishable u/s **323/452/341/427/34 IPC**. Accused was summoned and documents were supplied to the accused in compliance of Section 207 Cr.P.C.

02. Thereafter, charge was framed U/s **323/452/341/427/34 IPC** on 30.05.2026 by this court, to which accused pleaded not guilty and claimed trial.

03. Matter was listed for prosecution evidence. Prosecution examined following witness.

| ORAL EVIDENCE |                            |
|---------------|----------------------------|
| PW1           | Complainant Qayyum Qureshi |
| PW2           | Zeenat Qureshi             |

| DOCUMENTARY EVIDENCE |                           |
|----------------------|---------------------------|
| Ex.PW-1/A            | Statement of complainant. |
| Ex.PW 1/B            | Site plan.                |

|           |              |
|-----------|--------------|
| Ex.PW 1/C | Seizure memo |
|-----------|--------------|

04. **PW-1 Qayyum Qureshi** has turned hostile and deposed that he did not wish to proceed with the case and did not support the prosecution version. During cross-examination by the Ld. APP, he denied all allegations regarding the assault by accused Akhil Goel and his family members, the injuries sustained by him, and the preparation of the complaint, site plan, and seizure memo at his instance. Though he admitted his signatures on the complaint (Ex. PW1/A), site plan (Ex. PW1/B), and seizure memo (Ex. PW1/C), he claimed that the police had obtained his signatures on blank papers. He correctly identified the accused persons before the Court as the accused Akhil and his family members were friends of his brother in law namely Tanveer. He further denied that he was deposing under fear, pressure, or any consideration from the accused.

05. **PW2 Zeenat Qureshi** also turned hostile and deposed that she did not wish to proceed with the case and did not support the prosecution version. During cross-examination by the Ld. APP, she denied all allegations regarding the assault on her husband by accused Akhil Goel and his family members, denied making the PCR call, and denied that her husband sustained injuries or that her statement under Section 161 CrPC was recorded. She correctly identified the accused persons before the Court, however, has further stated that she identified them as the accused Akhil and his family members were friends of her brother namely Tanveer and denied that she was deposing under fear, pressure, or any consideration from the accused.

Further PW 1 and PW 2 have compounded the offence U/s 323/341/427/34 IPC with the accused persons.

06. Thereafter, it was observed vide order dated 30.5.2025 as under :

*“On perusal of record it reveals that PW 1 Qayyum Qureshi and PW 2 Zeenat Qureshi, who is the complainant and eye witness have not supported the case of the prosecution. Further, no incriminating evidence has come on record against the accused.*

*Since the complainant and the eye witness, star witnesses have not supported the case of the prosecution of the present case and remaining other witnesses are formal in nature and their examination will be a merely formality. Accordingly, all the other witnesses be dropped from the list of witnesses.*

*Ld APP for the State has requested for the examination of the IO. Submissions heard. Relevant record perused.*

*In the considered opinion of the court, since the complainant and eye witness have not supported the version of the prosecution and no other public witnesses have been arrayed in the list of witnesses, thus, the examination of remaining formal witnesses including IO will be just a futile exercise.*

*Further, no cogent material on record is found to support prosecution version and examination of IO will only result into wastage of precious judicial time and resources. Therefore, in the considered opinion of the court, PE stands closed”.*

7, ***In this regard reference may be made to a Division Bench judgment of the Hon'ble Delhi High Court passed in the case of Govind & Ors Vs. The State (Govt. of NCT of Delhi) 104(2003) DLT 510 wherein it was held that***

*“...In cases where ultimate chance of conviction is very bleak or there is no prospect of the case ending in conviction in such cases no useful purpose is likely to be served by allowing a criminal prosecution and trial to continue. It is advisable to truncate or snip the proceedings and save valuable time of the courts. The trial should not be continued only for the purpose of formally completing the proceedings to pronounce the conclusion on a future date ”*

8. Since no incriminating evidence has come on record against the accused, **SA is dispensed with.**”
9. On the basis of the above oral and documentary evidence on record, Ld APP requested for conviction of the accused.
10. On the other hand, Id Defence Counsel contended that the prosecution has miserably failed to establish the guilt of the accused persons beyond all reasonable doubts as the material witnesses/complainant has not supported the case of the prosecution. Accordingly, he prayed for the acquittal of the accused persons.
11. At the outset, it is apposite to state that the material and star witnesses in the present case i.e. complainant and other witness have turned hostile and did not support the case of prosecution. The prosecution has failed to prove the guilt of accused as the material witnesses has not deposed against the accused persons and other witnesses are only the official/police witnesses who also have not appeared during the trial. Moreover, the prosecution failed to bring other public witnesses to the witness box.
12. In view of the fact that the material witnesses has not supported the case of the prosecution, the charges against the accused persons cannot be sustained.
13. Therefore, in light of the above facts and circumstances of the case it can be safely culled out that the prosecution has miserably failed to establish its case beyond reasonable doubt cannot be negated.

14. At this stage, court deems it fit to state that no doubt wrong acquittals are undesirable and shake the confidence of the people in judicial system, much worse, however, is the wrongful conviction of the innocent man. The consequences of conviction of innocent men are more serious and its reverberation would be felt by an innocent all his life in a civilized society, therefore, it is the duty of the court to avoid any wrongful conviction and to grant benefit of doubt where ever the need arises. If two views are possible, one favouring the accused and the other against him, the benefit of doubt must be given to the accused persons and in the instant case, prosecution has failed to prove its case against accused persons beyond reasonable doubt.

15. At this stage, court further deems it fit to state that it is a settled principle of criminal jurisprudence that culpability cannot be established on surmises and conjectures but it should rest on cogent, reliable and clinching evidence, dispelling every doubt and bulwarking the fact that in all possibility, the offence must have been committed by the accused. In the present case, it is pellucid that the case of the prosecution suffers from several glaring loopholes as there are numerous inconsistencies in the testimony of star witness itself.

16. Therefore, in light of the above observations and findings, I am of the considered opinion that the prosecution has failed to prove the guilt of the accused person beyond reasonable doubt. Accordingly, all accused persons stand **acquitted** from the charges U/s

**323/452/341/427/34 IPC.**

17. Previous Bail bond cancelled and surety discharged. Endorsement if any, be cancelled and documents if any, be returned, against acknowledgment after due verification. File be consigned to Record room after necessary compliance.

This judgment contains 7 pages and each page bears my signature.

**Announced in open court  
on this 1<sup>st</sup> day of August, 2026**

**(Gaurav Katariya)  
JMFC-07/North-West District  
Rohini Courts, Delhi**