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

% *Judgment delivered on: 04.08.2025*

+ **CRL.REV.P. 1280/2024 & CRL.M.A. 33901/2024**

MOHD. IMRANPetitioner

Through: Mr. Shamim A. Khan,
Advocate

versus

THE STATE GNCTDRespondent

Through: Mr. Naresh Kumar Chahar,
APP for the State, with
Inspector Vinay.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J

Introduction

1. A heart-wrenching tragedy unfolded in the early hours of 08.12.2019, when a massive fire broke out in the densely populated Anaj Mandi area of Sadar Bazar, Delhi, which claimed the lives of 45 innocent individuals. Most of the victims were labourers who had been asleep, unaware of the impending catastrophe. The scale and horror of the incident shook the conscience of the city and led to an investigation into the circumstances that allowed such a disaster to occur.



2. In connection with the said incident, the petitioner, Mohd. Imran, is one of the several persons arrayed as accused. He has approached this Court by way of the present petition, assailing the order dated 12.09.2024 [hereafter '*impugned order*'] passed by the learned Additional Sessions Judge, Tis Hazari Courts, Delhi [hereafter '*Sessions Court*'] in SC No. 226/2020, arising out of FIR No. 204/2019, registered at Police Station Sadar Bazar, Delhi for offences punishable under Sections 304/308 of the Indian Penal Code, 1860 [hereafter '*IPC*'].

3. By way of the impugned order, the learned Sessions Court was pleased to frame charges against the petitioner for offence under Sections 304 (Part II)/308/35/36 of IPC, and alternatively, under Sections 304A/337/338/35/36 of IPC.

4. Aggrieved thereby, the petitioner has sought his discharge, primarily on the ground that – he did not own or exercise control over the specific floor of the building, where the alleged short circuit is stated to have occurred, which ultimately had triggered the fire resulting in the loss of lives.

5. Accordingly, the issue to be adjudicated by this Court is whether the petitioner's plea for discharge is merited, at the stage of framing of charge.

6. It would first be appropriate to briefly recount the events, tragic as they were, that led to the registration of the FIR and take note of the findings of the investigation carried out in this case.



The morning that turned fatal for many

7. On 08.12.2019, at around 5:22 AM, a PCR call was received at Police Station Sadar Bazar, recorded *vide* DD No. 6A, reporting a fire at House No. 22742, Anaj Mandi, Sadar Bazar, Delhi. The caller, had conveyed in panic: “*Ghar mein aag lagi hai. Injured koi hai ya nahi, abhi tak nahi pata lag raha hai.*” The information was immediately marked to SI Sandeep, who rushed to the location. Upon reaching the area, it was discovered that the actual site of the incident was House No. 8273, Anaj Mandi, where the 2nd, 3rd, and 4th floors of the building were found engulfed in flames. Realising the gravity of the situation, additional police personnel were called to the spot. Simultaneously, 25 fire tenders, along with teams from the NDRF, Civil Defence, Disaster Management Authority, BSES, and CATS ambulances, arrived and launched a large-scale rescue and firefighting operation. The Mobile Crime Team (North District) and the FSL team from Rohini were also summoned for scene inspection. All those injured or unconscious were immediately shifted to nearby hospitals for urgent medical treatment.

8. The blaze was brought under control after approximately 3.5 hours of relentless firefighting efforts. However, the damage had already been done, and a total of 45 persons, including 9 minors, had tragically lost their lives due to burn injuries and suffocation. Further, 21 persons, including 6 minors, had been left injured.

9. Initially, the case was registered and investigated by the local



police at P.S. Sadar Bazar. However, given the seriousness and complexity of the matter, the investigation was later transferred to the Crime Branch on the directions of senior officers, who thereafter took over the inquiry.

Findings of the Investigation and Submissions of the State

10. The investigation revealed that Property No. 8274 was interconnected with Property No. 8273 – from the ground floor up to the fifth floor – functioning effectively as a single composite structure. The building was jointly owned by three accused persons: the present petitioner, Mohd. Imran, who was found to be in occupation of a major portion of Property No. 8273, where the fire originated; Mohd. Rehan, who occupied the majority of Property No. 8274; and Sohail, who was in possession of various other portions in both properties.

11. The investigation further uncovered that the interconnected buildings comprised multiple large rooms on each floor, which were sub-let by the accused persons to various contractors. These contractors, without any licenses or authorization, had established illegal manufacturing units inside the premises, employing labourers (many of them minors from Bihar) in violation of safety laws and zoning regulations. Activities conducted in these units included the production of mirror frame moldings, jackets, bags, caps, diaries, and tiffin covers.

12. The investigation revealed that these operations were being



carried out in blatant disregard of the law, with profit placed above human safety, resulting in severe overcrowding and dangerously unsafe working conditions. Although two staircases existed in the building, only one was accessible at the time of the incident; the other had been obstructed by large quantities of raw materials, which had also hampered evacuation and rescue efforts. Further, it was found that multiple power connections were being used in the premises for operating heavy-duty industrial machinery, even though the connections were commercial in nature and not sanctioned for industrial use. This pointed towards unauthorised and fraudulent usage of electricity within the premises.

13. The learned Additional Public Prosecutor (APP) appearing for the State argued that as per the expert opinion from the Physics Department of the Forensic Science Laboratory (FSL), the probable cause of fire was an electric shock. It was submitted that 3D imaging of the building showed its height to be approximately 18 metres, exceeding the permissible limit of 15 metres for structures located in Special Area Zones under the Delhi Master Plan–2021, issued by the Urban Development Department vide Notification No. F.13/46/2006-UD/16071 dated 15.09.2006. The learned APP contended that the Delhi Master Plan clearly restricted commercial activity to the ground floors of such properties, while upper floors were permitted only for residential use, and this legal norm was blatantly violated by the accused persons.



14. It was further submitted that the petitioner, Mohd. Imran, had absconded after the incident and deliberately evaded arrest for a period of 11 months, due to which a reward of ₹50,000/- was announced by the Commissioner of Police, Delhi for information leading to his apprehension.

15. The learned APP also referred to statements of several labourers, who confirmed that the portions they occupied had been sub-let to them by Imran, and that the electric wiring in those sections was in dilapidated and hazardous condition. Complaints had allegedly been made to the owners, including Imran, but no remedial action was taken. It was also discovered during investigation that the lobby area on each floor was cluttered with highly flammable materials, including cardboard, plastic glass frames, rexine goods, cloth, and thermocol sheets (items primarily stored by Imran) which created a severe fire hazard and obstructed movement. The electrical wiring throughout the building was found to be exposed, disorganized, and cut at multiple points. Despite repeated warnings and complaints, the owners, including the present petitioner, had allegedly failed to take any steps to rectify these conditions.

16. The learned APP further argued that there was sufficient *prima facie* material on record to justify the framing of charges against the petitioner. It was also submitted that though the present accused relied upon the Rent Agreements executed between Mohd. Imran and Nitesh Gupta (dated 01.07.2019), Honey Gupta (dated 07.09.2019),



and Shyam Sunder (dated 02.07.2019), along with a GPA, Possession Letter, and Will executed by Imran in favour of Mohd. Rehan on 27.04.2015 in respect of the second floor of the property, many of these documents were unregistered, lacked legal sanctity, and that their genuineness cannot be checked and decided at this stage of framing of charges.

17. In view of the above, the learned APP submitted that there is no illegality in the impugned order passed by the learned Sessions Court, and that the present petition seeking discharge deserves to be dismissed.

Petitioner's Contentions

18. The learned counsel appearing for the petitioner submitted that the petitioner was not the owner of the second floor of Property No. 8273, Anaj Mandi, Sadar Bazar, Delhi, where the fire allegedly originated. It was contended that any acts of omission, if at all, which may have contributed to the incident, were committed by the owners and occupiers of the second and third floors of the building in question, and not by the petitioner, who had no control or possession over those portions.

19. It was further argued that the various violations noted by the learned Sessions Court in the impugned order could not be attributed to the present petitioner. The learned counsel submitted that, as recorded by the learned Sessions Court itself, the building originally comprised only the ground and first floors, and the subsequent



construction up to the fourth floor was carried out by accused Mohd. Rehan. Therefore, it was submitted that any unauthorised construction or deficiencies in safety compliance were the responsibility of Rehan, and not of the petitioner.

20. It was also contended that the learned Sessions Court committed an error in rejecting the petitioner's plea that he was not the owner of the property at the relevant time, merely on the ground that the genuineness of the ownership documents was a matter for trial. It was pointed out that the GPA executed by the petitioner in favour of Mohd. Rehan on 27.04.2015 was a duly registered document, registered with the Sub-Registrar at Kashmere Gate, and hence its authenticity should not have been doubted at this stage.

21. The learned counsel further submitted that the short circuit which allegedly caused the fire occurred on the second floor, which was neither owned nor controlled by the petitioner. It was contended that the ground floor of the building had been purchased by the petitioner's father in 2007, and the petitioner had no role in the affairs of the upper floors where the alleged unauthorised manufacturing activities were taking place.

22. In light of the above submissions, it was argued that the petitioner could not be held responsible for any acts or omissions on the part of the owners or occupiers of the second floor, and accordingly, it was prayed that the order on charge be set aside and the petitioner be discharged from the present case.



23. This Court has **heard** and considered the submissions made on behalf of either side and examined the material on record.

Analysis & Findings

24. Before delving into the merits of the rival contentions and examining the petitioner's prayer for discharge, this Court considers it apposite to first briefly recapitulate the settled legal principles governing the framing of charge.

25. In ***Manendra Prasad Tiwari v. Amit Kumar Tiwari and Anr.*** : 2022 SCC OnLine SC 1057, the Hon'ble Supreme Court reiterated the well-settled principles governing the framing of charge, and also highlighted the scope of judicial interference at the stage of charge. The relevant observations are as under:

“21. The law is well settled that although it is open to a High Court entertaining a petition under Section 482 of the CrPC or a revision application under Section 397 of the CrPC to quash the charges framed by the trial court, yet the same cannot be done by weighing the correctness or sufficiency of the evidence. In a case praying for quashing of the charge, the principle to be adopted by the High Court should be that if the entire evidence produced by the prosecution is to be believed, would it constitute an offence or not. The truthfulness, the sufficiency and acceptability of the material produced at the time of framing of a charge can be done only at the stage of trial. To put it more succinctly, at the stage of charge the Court is to examine the materials only with a view to be satisfied that *prima facie* case of commission of offence alleged has been made out against the accused person. It is also well settled that when the petition is filed by the accused under Section 482 CrPC or a revision Petition under Section 397 read with Section 401 of the CrPC seeking for the quashing of charge framed against him, the Court should not interfere with the order unless there are strong reasons to hold that in the interest



of justice and to avoid abuse of the process of the Court a charge framed against the accused needs to be quashed. Such an order can be passed only in exceptional cases and on rare occasions. It is to be kept in mind that once the trial court has framed a charge against an accused the trial must proceed without unnecessary interference by a superior court and the entire evidence from the prosecution side should be placed on record. Any attempt by an accused for quashing of a charge before the entire prosecution evidence has come on record should not be entertained sans exceptional cases.

22. The scope of interference and exercise of jurisdiction under Section 397 of CrPC has been time and again explained by this Court. Further, the scope of interference under Section 397 CrPC at a stage, when charge had been framed, is also well settled. At the stage of framing of a charge, the court is concerned not with the proof of the allegation rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence, which if put to trial, could prove his guilt. The framing of charge is not a stage, at which stage the final test of guilt is to be applied. Thus, to hold that at the stage of framing the charge, the court should form an opinion that the accused is certainly guilty of committing an offence, is to hold something which is neither permissible nor is in consonance with the scheme of Code of Criminal Procedure.

23. Section 397 CrPC vests the court with the power to call for and examine the records of an inferior court for the purposes of satisfying itself as to the legality and regularity of any proceedings or order made in a case. The object of this provision is to set right a patent defect or an error of jurisdiction or law or the perversity which has crept in the proceeding.”

26. Likewise, in ***Ghulam Hassan Beigh v. Mohd. Maqbool Magrey***: (2022) 12 SCC 657, the Hon’ble Supreme Court, after discussing several judicial precedents, summarised the legal position regarding framing of charges and articulated the contours within which the Court must operate at this stage. The observations in this



regard are extracted below:

“27. Thus from the aforesaid, it is evident that the trial court is enjoined with the duty to apply its mind at the time of framing of charge and should not act as a mere post office. The endorsement on the charge sheet presented by the police as it is without applying its mind and without recording brief reasons in support of its opinion is not countenanced by law. However, the material which is required to be evaluated by the Court at the time of framing charge should be the material which is produced and relied upon by the prosecution. The sifting of such material is not to be so meticulous as would render the exercise a mini trial to find out the guilt or otherwise of the accused. All that is required at this stage is that the Court must be satisfied that the evidence collected by the prosecution is sufficient to presume that the accused has committed an offence. Even a strong suspicion would suffice...”

27. From the above decisions, it clearly emerges that the central test to be applied while framing a charge is whether there exists sufficient material on record which, if unrebutted and accepted at face value, gives rise to a strong suspicion that the accused has committed the offence in question. A ‘prima facie’ case would imply that there must be enough material or evidence that, when viewed at its face value, gives rise to a reasonable suspicion that the accused may have committed the alleged offence.

28. Having regard to the above legal position, it is now apposite to examine the impugned order on charge passed by the learned Sessions Court and evaluate whether the same suffers from any legal infirmity so as to warrant interference by this Court. The relevant portion of the impugned order is set out below:

“9. Perusal of the charge sheet and the supplementary charge



sheet filed against the present applicant/ accused reveal that a number of rooms were built on the above said four floors by the accused persons and a number of rooms were let out by the accused persons including the present applicant/ accused Mohd. Imran on a monthly rental of Rs. 15,000/- to Rs. 16,000/-. The accused Mohd. Furkan was the manager of the building and he used to collect the rent from the tenants on behalf of the accused persons namely Mohd. Rehan, Mohd. Suhail and Mohd. Imran.

* * *

11. As per the supplementary charge sheet, the present accused/ applicant Mohd. Imran was arrested on 15.11.2020, wherein, the IO has mentioned that the owners of the property in question including Mohd. Imran were only making monetary benefits but they were the least concerned about the safety of the persons who were actually working therein. The IO has further submitted that the accused persons including the present accused Mohd. Imran had rented all the rooms of the building, of which, no registered agreement was executed in most of the cases between the parties and no information relating to any tenant was given to any of the agencies.

* * *

13. In the light of the above said facts and circumstances, I am of the opinion that there is sufficient material available on record prima facie to show that the present applicant/ accused Mohd. Imran together with the accused persons namely Mohd. Rehan and Mohd. Suhail was the owner of the premises in question and the above said accused persons unauthorizedly constructed the said property in violation of the various bylaws and statutory provisions blatantly ignoring the safety of the occupants of the above said property. The accused persons further kept inflammable material inside the exit gates of the building and by and also kept the live electricity wires open. The Id. Predecessor of this court in the detailed orders dated 26.10.2020, has also discussed the role of the present applicant/ accused Mohd. Imran together with the role of the rest of the accused persons in para no. 28 of the said orders.

14. In the written arguments, Id. Counsel for the applicant/ accused Mohd. Imran has heavily relied upon the rent agreements executed in between Mohd. Imran and Nitesh Gupta dated 01.07.2019; rent agreement executed between Mohd. Imran and Honey Gupta dated 07.09.2019; rent agreement executed between Mohd. Imran and Shyam Sundar



dated 02.07.2019; GPA, possession letter and Will executed by Mohd. Imran in favour of Mohd. Rehan dated 27.04.2015 in respect of the second floor of the above said property and has argued that the above said applicant/ accused Mohd. Imran was not the owner of the property in question at the relevant time. I am of the opinion that the above said submission of the ld. Counsel for the applicant/ accused is fallacious because the authenticity and genuineness of the above said documents, most of which are not even the registered ones, can be tested only during evidence and trial and at this stage, at the time of framing of the charge, when the court has to take a *prima facie* view of the matter, the above said documents cannot be accepted as true and genuine.

15. However, I am of the opinion that the prosecution has not attributed any intention to the applicant/ accused and the case of the prosecution is based on the knowledge attributed to the accused as per Section 299 of the IPC which is punishable u/s 304(11) of the IPC. I have no hesitation to hold that the role of the present accused Mohd. Imran is in conformity and similar to the role of the accused persons namely Mohd. Rehan and Mohd. Suhail and as such, the present accused Mohd. Imran is also liable to be charged under Section 304 Part 11 and Section 308 of the IPC R/w Section 35 and 36 IPC. In the alternate the present applicant/ accused is also liable to be charged under Section 304A/337/338/35/36 IPC.

16. Ld. Addl. PP for the State, during the course of arguments, has fairly admitted that there is no material available on record to frame the charges under Section 468/471 of the IPC against the present applicant/ accused Mohd. Imran. As such, it is held that no charge under Section 468/471 of the IPC is made out against the present applicant/ accused Mohd. Imran.”

29. After a careful evaluation of the material brought on record, this Court notes that the investigation revealed that the petitioner Mohd. Imran was one of the co-owners of the building bearing nos. 8273 and 8274, Anaj Mandi, Sadar Bazar, Delhi. The said building was constructed up to five floors, although permission under applicable regulations permitted a height of only 15 metres for



properties in 'Special Area' as per MPD-2021. The building was unauthorisedly constructed beyond permissible limits and was being used for commercial activities without requisite approvals from authorities. Also, the building was constructed with the help of garters and tukdiyas without seeking any prior permission or NOC from the concerned authorities and without making any provision for emergency exit, proper ventilation, etc.

30. Imran, along with co-accused Rehan and Suhail, was renting out several rooms and godowns within the building to various small-scale manufacturers and traders without any sanctioned layout or compliance with statutory safety norms. Rent agreements executed by Imran with tenants like Nitesh Gupta, Shyam Sunder, Honey Gupta and Prince Gupta confirm that he was actively sub-letting parts of the building in exchange for monetary consideration, such as Rs.30-40,000/- in each of such agreements. In most cases, the rental arrangements were unregistered.

31. It also emerged during investigation that the property was effectively functioning as a multi-storey industrial-cum-residential establishment, housing over 100 workers engaged in manufacturing units for items such as mirror frame mouldings, jackets, bags, caps, tiffin covers, diaries, etc. The tenants brought in their labourers, most of whom hailed from Bihar, who also resided in the same premises. Investigations have revealed that even the petitioner Mohd. Imran was residing on the 2nd floor of the said property with his brother



Ikraam (now deceased), which is the very floor where the fire originated on 08.12.2019.

32. This Court further is of the opinion that the material collected by the investigating agency reveals multiple and serious violations of building safety norms attributable to the petitioner and his co-accused:

- The wiring in the property was in a severely dilapidated condition. Several tenants and labourers had raised complaints with the property owners, including Imran, about exposed and disorganized electrical wiring, but no action was taken.
- The lobby areas and shafts on every floor (including the floors owned by the petitioner Imran) were completely stuffed with highly inflammable materials such as thermocol sheets, plastic frames, rexine, cardboard and cloth.
- The alternate staircase, which could have served as an emergency exit, was permanently locked on all floors by the owners; whereas the main staircase remained partially blocked due to several material being kept in the staircase.
- There was no ventilation or compartmentation in the building, which led to the accumulation of dense smoke once the fire broke out. The victims were trapped and unable to escape, and the majority of fatalities occurred due to suffocation from smoke inhalation.
- The building lacked the most basic firefighting arrangements.



There were no fire extinguishers, sand buckets, water supplies, fire alarms, or emergency lights and signage in the entire premises.

33. Furthermore, as per the charge sheet and status report, it is evident that Imran, along with other co-accused, was motivated by profit and completely indifferent to the safety and well-being of the workers residing and working in the building. No steps were taken by the petitioner to address such serious defects pointed out by tenants and workers from time to time, despite repeated warnings, including a previous incident of fire in March 2019.

34. In the above background, this Court is of the view that the learned Sessions Court, in the impugned order as well as in another order dated 26.10.2020 framing charge against co-accused persons, rightly noted that the petitioner Mohd. Imran, and co-accused Rehan and Suhail were the *de facto* owners and beneficiaries of the unlawful commercial operation of the building. The Court observed that these accused persons had not only allowed illegal construction, but also ignored statutory provisions and basic safety norms, thereby placing the lives of numerous persons at grave risk. The fire incident was a direct consequence of this collective negligence.

35. In the impugned order, the learned Sessions Court also rightly held that the documents relied upon by the petitioner to disclaim the ownership of the second and third floor, such as GPA and rent agreements, do not conclusively establish at this stage, that he had no



control over the property, especially in light of the statements of the witnesses, the nature of incident, and the deficiencies found in the entire building by the investigating agency. These documents, many of which are unregistered, are matters of trial and their genuineness can only be tested during the course of evidence. At this stage, they do not rebut the *prima facie* material demonstrating his involvement in renting the premises. Even if it is accepted that the petitioner did not cause the fire and he was not the owner of the floor on which the short circuit took place, the material on record *prima facie* indicates that he had the requisite knowledge of the dangerous condition of the premises and its likely consequences.

36. The plea of innocence taken by accused Imran, or his attempt to distance himself from the unfortunate incident, is equally unmerited. To reiterate, as per the admitted position and the findings during investigation, Imran was the owner of a portion of the fourth floor and also owned the storeroom constructed on the fifth floor (terrace) of the building in question. These structures, being unauthorised and illegal, reflect clear violation of building norms. Moreover, being the owner of the ground floor portion of the building, Imran was under a heightened duty of care, since in the eventuality of any fire or emergency, the occupants of upper floors would be compelled to rush down to the ground floor through the common staircase to escape. The investigation has brought out that the common staircase remained majorly blocked throughout with stored material (which included inflammable material),



compromising the escape route and thereby putting lives in grave danger. Such circumstances cannot be brushed aside or ignored.

37. The investigation further revealed that the electric wiring of the entire building was in a dilapidated and poorly maintained condition. The mere fact that the short circuit, which allegedly caused the fire, occurred on the second floor cannot absolve the petitioner in this case. The dangerous and neglected condition of the electric wiring throughout the premises contributed to the overall risk and cannot be compartmentalised floor-wise. The investigation also revealed complete absence of any fire-fighting equipment or safety mechanisms on the portions also owned by the petitioner. Such glaring lapses, viewed cumulatively, indicate not just negligence but reckless disregard for the safety of occupants of the building.

38. Thus, the culpable knowledge attributable to him satisfies the ingredients of Section 299 of IPC, and justifies the framing of charge under Section 304 (Part II) of IPC; and similarly, for offence under Section 308 of IPC, read with Section 35 and 36 of IPC. The learned Sessions Court has also rightly framed alternate charge under Sections 304A of IPC (causing death by negligence) and Sections 337 and 338 IPC (causing hurt and grievous hurt by acts so rashly or negligently done as to endanger human life or personal safety) in the facts and circumstances of the case. The petitioner's daily presence at the building (which was constructed unauthorisedly), ownership of other floors, his role in sub-letting portions of the premises for



earning money, and not rectifying the defects in the building despite a prior incident of fire, all point – at this stage – to his active participation, and sharing responsibilities, with the co-accused persons in committing acts which led to the unfortunate incidents in question.

39. In view of the above findings, this Court is of the opinion that the impugned order passed by the learned Sessions Court does not suffer from any legal infirmity since the material on record discloses a *prima facie* case against the petitioner.

40. The present petition seeking quashing of the order on charge is therefore devoid of merit, and is accordingly dismissed, alongwith pending application.

41. It is, however, clarified that the observations made in the present judgment are only *prima facie* in nature, confined to the stage of framing of charge, and are not to be construed as final expression of opinion on the merits of the case. The trial shall proceed uninfluenced by any of the findings or observations recorded herein.

42. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
AUGUST 04, 2025/zp
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