

\$~9

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

+ W.P.(CRL) 1665/2016

OM PRAKASH

..... Petitioner

Through : Mr. S. S. Drall, Adv.

versus

THE STATE (THROUGH NCT OF DELHI) & ANR Respondents

Through : Ms. Kamna Vohra, ASC (Crl.).

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

%

01.06.2016

The present petition under Article 226 of the Constitution of India read with section 482 of Code of Criminal Procedure, 1973 seeks quashing of FIR No.234/2014 under Sections 420/448/468/471/506/120B IPC registered at Police Station Najafgarh, on the basis of a purported compromise entered into between the complainant in the subject FIR, namely, Mr. Surender Singh and the petitioner herein.

In the present case it is observed that purportedly a compromise has been entered into by one Mr. Jasbir, as attorney of the complainant, Shri Surender Singh. A perusal of the amicable settlement dated 25.04.2015, annexed as annexure 'C' to the present petition, reveals that the aforesaid amicable settlement dated 25.04.2015 is not accompanied by a copy of the Special Power of Attorney executed by the complainant Mr. Surender Singh in favour of the said Mr. Jasbir.

Interestingly, Mr. Jasbir, purportedly the attorney of the complainant, Mr. Surender Singh, who is present in Court, is unable to produce the Special Power of Attorney authorizing him to compromise the subject FIR on behalf of Mr. Surender Singh, complainant herein or to cooperate with the quashing of the subject FIR.

On a specific query from the Court, it has been ascertained that the purported Special Power of Attorney has been executed in favour of Mr. Jasbir, respondent no.2 herein, since Mr. Surender Singh is bed ridden and unable to leave his house. In this behalf, it is observed that the present petition does not allude to the circumstance that the complainant, Mr. Surender Singh is bed ridden and unable to leave his house. The present petition, as above stated, seeks quashing of the subject FIR on the solitary ground that the underlying dispute between the complainant and the petitioner has been amicable resolved. No other ground has been agitated on behalf of the petitioner.

In view of the foregoing, I am of the view that present petition is not a fit case for exercise of the plenary power of this Court under Article 226 of the Constitution of India.

Petition is accordingly dismissed.

SIDDHARTH MRIDUL, J

JUNE 01, 2016/dk