

\$~13

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

+ **CRL.M.C. 2549/2016**

ROCK BEMBASSANDHU

..... Petitioner

Represented by: Mr. Sachin Datta, Sr. Adv. with
Mr. Dinesh Sharma and Ms.
Ritika Jhurani, Advs.

versus

STATE & ANR.

..... Respondent

Represented by: Mr. Ravi Nayak, APP with
Inspector Ramesh Malik, PS
Pandav Nagar.
Mr. Himanshu Bhandari, Adv.
for R-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER
01.09.2016

%

By the present petition, the petitioner seeks quashing of FIR No. 365/2000 under Sections 420/468/471/120B IPC registered at PS Trilok Puri on the ground that parties have settled the matter.

Status report has been filed as per which chargesheet was filed against three accused persons namely Joseph Paul, Reggie Mathew and Rock Barnbas Sandhu, the petitioner herein. It is also noted that the petitioner was declared proclaimed offender on 24th May, 2001.

A perusal of the petition would reveal that by Crl.M.C. 8136/2006 the petitioner challenged issuance of non-bailable warrants and initiation of proceedings under Section 82 Cr.P.C. against him. While disposing of the said petition, this Court passed the following order:-

“08.02.2006

97#

Present: Mr. Sachin Datta along with Mr. Swetant for the petitioner.

Crl.M.A. No.13840/2006 and 13841/2006

Exemption allowed subject to all just exceptions.

Application stand disposed of.

Crl.M.C. No.8136/2006

FIR No.365/2000 was registered in which chargesheet dated 16.6.01 has also been filed. Matter is at the stage of arguments on framing of charge. This petition is filed by the petitioner stating that he is not at all involved in the case and is unnecessarily impleaded as accused person. The petitioner has stated in detail in the petition his contentions on the basis of which it is pleaded that there is no case made out against the petitioner. Since the matter is at the stage of framing of charge, it would be open to the petitioner to raise all these issues and make his submissions before the trial court in support of the plea that no charge be framed against the petitioner. In case after arguments, still charges are framed against the petitioner, the petitioner would be at liberty to avail appropriate remedies.

It is however, pointed out that the petitioner was not aware of the proceedings and non-bailable warrants are issued and even now process under Section 82 Cr.PC has been initiated. The petitioner may file appropriate application for quashing of the non-bailable warrants/process under Section 82 of the Cr.P.C. within a period of two weeks. Till then the petitioners shall not be arrested.

With these observations, the petition is disposed of.

DASTI.”

It is evident that since no period was noted as to till when the order directing that petitioner be not arrested would be operative, the petitioner blatantly misused the same and till date no application seeking quashing of non-bailable warrants or proceedings under Section 82 Cr.P.C. has been filed and thus the order of no arrest is enuring to the benefit of the petitioner.

Considering the fact that petitioner has been declared as proclaimed offender and he has blatantly misused the concession granted to him, I find no reason to quash the above-noted FIR even on the ground that parties have settled the matter.

Petition is dismissed.

MUKTA GUPTA, J.

SEPTEMBER 01, 2016

‘vkm’