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

+ **CRL.M.C. 3354/2016**

NARESH AGGARWAL

..... Petitioner

Represented by: **Mr. Sudhir Kulshreshtha, Adv.**

versus

STATE & ANR.

..... Respondent

Represented by: **Mr. Ravi Nayak, APP with SI
Ikpai Singh, PS Hauz Khas.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

09.09.2016

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Crl.M.A. 14201/2016

Exemption allowed, subject to all just exceptions.

Crl.M.C.3354/2016 and Crl.M.A.14200/2016

1. In the present petition, the petitioner has made the following prayers-
 - a) Quash the FIR No. 970/15 dated 05/09/2015 under Section 409,468,471 of PS Haus Khas, New Delhi
 - b) Grant stay of criminal proceedings against the petitioner in the FIR No.970/2015 dated 5.9.2015 under Section 409,468,471 of PS Haus Khas, New Delhi
 2. Learned counsel for the petitioner contends that since on the same facts a departmental inquiry is being conducted against the petitioner, no useful purpose will be served in continuing with the investigation and FIR in which the petitioner has participated duly and thus the investigation and
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proceedings pursuant thereto be stayed.

3. The allegations in the FIR No.970/2015 under Sections 409/468/471 IPC are that on an inquiry conducted relating to purchase of books/journals it was revealed that while orders were placed to two suppliers namely Central News Agency and M/s Scientific Book Distributors, it was found that the invoices and payments were drawn and made to persons other than those mentioned in the approved purchase orders which is contrary to the procedure adopted and followed for the purpose. As per the inquiry it was found that money remitted for the invoices issued against the purchase orders were credited to Account No.4053 maintained with Citizen Cooperative Bank Ltd. and State Bank of India and beneficiary of these accounts could not be ascertained.

4. The above noted FIR relates to investigation into the misappropriation of the funds allotted for the library purposes at National Institute of Medical Statistics and without any proper investigation there into at this stage merely because departmental inquiry is pending against the petitioner, the investigation in the above noted FIR cannot be stayed.

5. Petition and application are dismissed.

MUKTA GUPTA, J.

SEPTEMBER 09, 2016
‘vkm’