

#16

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 07.01.2016

W.P.(CRL) 2908/2015

ANKUR JAIN & ORS

..... Petitioners

Through: Mr. B.P. Sharma and Ms. Archana
Sharma, Advocates

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Through: Mr. Ashish Negi and Mr. Rohit Kaul,
Advocates for Ms. Richa Kapoor, ASC
(Criminal) and SI Rambir, PS-
Parliament Street and SI Ram Kumar,
PS- North Avenue for R-1
Mr. T.S. Varun, Advocate for R-2 & R-3
along with R-2 & R-3 in person

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J. (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) seeking quashing of FIR No.67/2012, under Sections 420/468/471/120-B IPC, registered at Police Station- Parliament Street, New Delhi and the proceedings arising therefrom.

2. The facts in brief are that the subject FIR came to be registered as a

consequence of an alleged impersonation of one Salek Chand Jain who has since passed away. The subject FIR admittedly does not name Mukesh Jain and Anil Jain, petitioners No.2 and 3 respectively, who are the sons of late Salek Chand Jain and the other petitioners. The sole grievance of the petitioners is that they have been summoned by the Investigating Officer in the subject FIR.

3. It is an admitted position that the complainants in the subject FIR have already made a statement before the trial court to the effect that they do not wish to prosecute the subject FIR against the petitioners herein.

4. The complainants, who are present in Court and have been identified by the IO SI Rambir, Police Station- Parliament Street, New Delhi as well as Mr. T.S. Varun, learned counsel appearing on behalf of the complainants, state that they shall continue to abide by the statement made before the trial court and they do not wish to prosecute the subject FIR against the petitioners.

5. In view of the foregoing, since Salek Chand Jain, the principal accused in the subject FIR has since passed away and the complainants do not wish to prosecute the subject FIR against the petitioners herein, no useful purpose shall be served by continuing with the subject FIR and the proceedings arising therefrom.

6. In view of the above, FIR No.67/2012, under Sections 420/468/471/120-B IPC, registered at Police Station- Parliament Street, New Delhi and the proceedings arising therefrom are hereby set aside and quashed *qua* the

petitioners subject to the petitioners depositing a sum of Rs.5,000/- each with the Victim's Compensation Fund, Government of NCT of Delhi within a period of two weeks from today. The receipt thereof shall be provided to the concerned Investigating Officer in the subject FIR.

7. The writ petition is disposed of accordingly.

SIDDHARTH MRIDUL, J

JANUARY 07, 2016

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