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

+ **W.P.(CRL) 236/2017 and CrI.M.A. No.1459/2017**

RAVI KUMAR

..... Petitioner

Through: Mr. Manish Kaushik & Mr. Ankit
Batra, Advocates.

versus

STATE OF NCT DELHI & ANR

..... Respondents

Through: Mr. Rajesh Mahajan, ASC along with
ASI Sitaram, PS-Uttam Nagar, for the
State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER
09.03.2017

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The petitioner has preferred this petition to seek quashing of FIR No.702/2016 dated 21.09.2016 under Section 436 IPC registered at PS – Uttam Nagar and the proceedings arising therefrom. The said case has been registered on the complaint of respondent No.2. The respondent No.2 is related to the petitioner and was a tenant in the property of the petitioner at the relevant time.

The submission of learned counsel for the petitioner is that the FIR came to be registered on account of a misunderstanding between the parties, and now they have resolved their disputes amicably with the intervention of

members in the family.

Respondent No.2, who is present in Court states that she joins the prayer for quashing of the FIR and the proceeding arising therefrom. She states that she has not been threatened or coerced to make the said statement.

The status report filed by the State discloses that the petitioner is involved in 35 cases, including the present one. Most of these cases are for offence under Sections 379/ 411 IPC.

The submission of learned counsel for the petitioner is that in his younger days, the petitioner had fallen in bad company which led to registration of the said cases. However, subsequently, the police roped him in cases whenever there was theft of cars reported, and the petitioner became an easy target. He submits that the petitioner has, however, been discharged, or the offences have been compounded in most of the cases. Only in 5 cases, trials are pending. The petitioner has not been convicted even in one such case.

Learned counsel for the petitioner further submits that the offence in question pertains to alleged burning of his own premises by the petitioner where respondent No.2 was a tenant at the relevant time. He submits that it does not stand to reason that he would set on fire his own premises. He points out that there was no occupant in the premises which was allegedly set on fire. In any event, the parties have arrived at a settlement.

In these circumstances, in my view, the fact that the petitioner has earlier been involved in 34 other cases cannot be taken as a reason to disallow the present petition. The petitioner has not been convicted even once in any of the aforesaid cases. It is informed that the petitioner is married and has two school-going children. It appears that the petitioner is

seeking to rejoin the mainstream to society. In these circumstances, I am inclined to exercise the discretionary jurisdiction to quash the FIR and the proceedings arising therefrom. Accordingly, the same are quashed.

VIPIN SANGHI, J

MARCH 09, 2017

B.S. Rohella