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

DECIDED ON : 7th MARCH, 2017

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CRL.M.C. 685/2016

VIPIN & ANR

..... Petitioners

Through : Mr.Anil Sethi, Advocate.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through : Mr.Amit Gupta, APP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J. (Oral)

CRL.M.A.No.3957/2017 (Delay)

1. Issue notice.
2. Mr.Amit Gupta, APP for the State accepts notice.
3. State has no objection for condonation of delay.
4. For the reasons mentioned in the application for condonation of delay in filing the application for restoration of petition, the delay is condoned.
5. The application for condonation of delay is disposed of.

CRL.M.A.No.3956/2017

1. For the reasons mentioned in the application, the petition is restored in its original number.
2. The application stands disposed of.

CRL.M.C. 685/2016

1. Present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.1114/2015 registered under Sections 392/411/34 IPC at PS K.M.Pur. It is stated that the matter has been settled amicably with the complainant / respondent No.2. Status report is on record.

2. I have heard the learned counsel for the petitioners and have examined the file. On perusal of the file, it reveals that there are serious allegations against the petitioners for committing robbery of a mobile from the complainant's possession. Status report reveals that upon completion of investigation, a charge-sheet has already been filed against Vipin. Sourav who succeeded to flee the spot did not join the investigation. Process under Section 82 Cr.P.C. has been issued against him.

3. The complainant in the FIR informed that on 08.10.2015 at about 08.45 p.m. when he was going to his house after performing his duty and reached near gate No.4, Tyagraj Stadium, an individual asked for his mobile phone. When he declined, the said individual started beating him. His accomplice joined him. He made a telephone call at 100. In the meanwhile, one of them snatched his mobile and fled the spot. Vipin was arrested at the spot and he was the individual who has robbed his mobile. The mobile was recovered from his possession.

4. Since there are serious allegations of robbery against the petitioners and Vipin is also involved in two more criminal cases i.e. 159/2014 under Section 435 IPC at PS K.M.Pur and 846/2014 under Sections 379/511/34 IPC PS K.M.Pur., it is not a fit case for quashing of the

FIR on the basis of settlement. Offence under Section 392 IPC is an offence against the public at large.

5. The petition lacks merits and is dismissed.

(S.P.GARG)
JUDGE

MARCH 07, 2017 / *tr*

