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

+ **W.P.(C) 6061/2014**

MEER SINGH

..... Petitioner

Through Mr. Rajesh Kumar & Mr. Sachin
Chauhan, Advocates.

versus

GOVT. OF NCTD THR THE COMMISSIONER OF POLICE

..... Respondent

Through Mr. Anuj Aggarwal, ASC & Ms. Niti
Jain, Advocate for respondent No. 1.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

22.03.2017

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The petitioner herein had applied for selection to the post of Constable in Delhi Police in 2009 and had cleared the examination and tests. However, he was denied appointment as he was found to be named in FIR No. 111/2008, Police Station Jaffarpur Kalan, Delhi.

2. This FIR was initially under Sections 323/452/506/34 of the Indian Penal Code. Later on, it appears that Section 307 IPC was added.

3. Subsequently, Crl. M.C. No. 3213/2010 was moved before the Delhi High Court for quashing of the said FIR and the cross FIR. The said Crl. M.C. was allowed by the single Judge of the Delhi High Court vide order dated 6th October, 2010, which reads as under:-

“Petitioner No. 1 is the complainant and petitioners No. 2-8 are injured whereas petitioners No. 9-12 are accused. They are neighbours. A quarrel took place between them, on a trivial matter which resulted in injuries to petitioner Nos. 1 to 8. Accordingly, on the complaint of petitioner No. 1 an FIR in question was registered in PS Jaffar Pur, Delhi under Sections 323/308/452/506/34 IPC. Now with the intervention of common friends petitioners have resolved their differences.

Keeping in mind that petitioners are neighbours and have resolved their differences amicably inasmuch as they want to maintain harmonious relationship in future, no fruitful purpose would be served in compelling the parties to continue to litigate a protracted trial.

In the interest of Justice, I quash the FIR No. 111/2008 under Sections 323/308/452/506/34 IPC.”

4. The petitioner had filed OA No. 3539/2012 against cancellation of his candidature and for appointment as a Constable. The impugned order dated 25th February, 2014 dismisses the said OA for various reasons and grounds mentioned therein, inter alia, recording that the petitioner’s case was considered by the Screening Committee and his candidature was rejected. The offence was against societal norms and public order. The offence did take place and was committed by the persons named in the FIR. The compromise between the parties was subsequent in point of time.

5. The impugned order cannot be sustained in view of the judgment passed by the Supreme Court in *Avtar Singh versus Union of India and Others*, (2016) 8 SCC 471.

6. Learned counsel for the parties are in seriatim that the matter is covered by the said judgment and ratio as expounded therein is applicable.

7. In terms of the said judgment, we would remit the matter to the authorities, i.e. Delhi Police to examine the issue in terms of the guidelines laid down by the Supreme Court in paragraph 38 of the said judgment. The petitioner is also given an opportunity to submit a written representation to the authorities concerned, which will be submitted within a period of three weeks alongwith necessary documents.

8. Accordingly, we set aside the impugned order dated 25th February, 2014 and remit the case to the authorities to re-examine the issue whether or not the petitioner is a suitable candidate. While deciding this aspect, the respondents will keep in mind the ratio and the principles laid down by the Supreme Court in *Avtar Singh* (supra). The writ petition is disposed of. No order as to costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

MARCH 22, 2017
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