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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C.5130/2017**

VIJAY TATAPetitioner
Through: Mr. Ashwain Vaish, Mr. Vinod Pandey,
Mr.Kunal Awana, Mr. Sekh Zakir Hussain,
Advocates.

versus

STATERespondent
Through: Ms. Anita Abraham, APP for State with
Inspector Madhukar Rakesh, EOW.

CORAM:
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

% **ORDER**
08.12.2017

The present petition has been filed under Section 482 of the Code of Criminal Procedure 1973, (hereinafter referred to as 'Cr.P.C.') whereby the petitioner seeks **setting aside of order dated 06.10.2017**, passed by the Court of Additional Chief Metropolitan Magistrate in FIR No.68/2003 under Section 420/406/120-B of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC'). Vide the said order dated **06.10.2017**, Trial court fixed the matter for framing of charge on 11.12.2017.

Mr. Ashwain Vaish, learned Counsel for the petitioner submits that this Court vide order dated 21.11.2013 directed the Trial Court to obtain the presence of the complainants and satisfy itself as to whether the compromise so arrived between the parties has been acted upon and on being so satisfied

discharge the petitioner; that vide order dated 15.01.2015, this Court permitted the petitioner and some of the victims to raise their respective rights and contents before the Trial Court at the stage of argument on charge; that despite the said orders of this Court, the Trial Court vide the impugned order dated 06.10.2017 fixed the matter for framing of charge without affording an opportunity to the petitioner or other accused to seek discharge; and that hence the said order being violative of the orders of this Court is liable to be set aside.

Arguments heard.

As per the records, the matter was compromised by the petitioner with a large number of victims in the year 2009-2010. Thereafter, in the year 2011, during the pendency of petitions before this Court for quashing of FIR/Chargesheet(s), the petitioner settled the matter with 81 complainants vide duly executed compromise deeds.

This Court, while deciding the above petitions, vide order dated 21.11.2013 *inter-alia* observed as under:-

"In the peculiar facts and circumstances of this case, trial court at the hearing on the point of framing of charge shall obtain the presence of the complainant-respondents of the above mentioned charge-sheets i.e. No. charge-sheet No. 2,8,24,9,10 & 7 and will satisfy itself as to whether the compromise so arrived at stands acted upon or not and if it is found that the compromise reached with the complainant party of the above-referred charge-sheets has been fully acted upon, then the Trial Court shall discharge petitioner in the afore-referred charge-sheets."

Subsequently, while disposing off a batch of petitions filed for quashing of some of the charge-sheets arising out of the subject FIR, this Court vide order dated 15.01.2015 *inter-alia* observed as under:-

"the petitioner is permitted to rely upon all the Agreements/Settlement Deed before the learned Trial Court at the stage of argument on the issue of framing of charge and the same would be considered by the learned Trial Court, as per their own merit so as the grounds raised in the present petition."

However, the impugned order dated 06.10.2017, whereby the matter has been fixed for framing of charges, has been passed by the Trial Court without taking into consideration the orders dated 21.11.2013 and 15.01.2015 passed by this Court. The learned Trial Court is directed to keep in mind the above orders of this Court and after duly complying with the same, proceed with the framing of charges as per law.

Ordered accordingly.

Copy of the order be given dasti under the signatures of Court Master.

SANGITA DHINGRA SEHGAL, J.

DECEMBER 8, 2017

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