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

+ **W.P.(CRL) 914/2018 & CRL.M.A. 7789/2018**

HETAL BULSARIA & ORS

..... Petitioners

Through: Mr. Sahil Bhalaik Ms. B. Sudha, Mr.
A.K. Singh, Mr. Siddartha Gautam, Mr. Rahit &
Mr. Sewa Singh, Advs.

Versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Mr. Jamal Akhtar, Adv. for R-1.
Mr. Shil Kakkar, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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31.08.2018

On 10.03.2015 the petitioners along with, one Mr. Sanjay Narain, co-accused, were granted bail in the context of a settlement arrived at between the parties i.e. with the complainant on 09.03.2015. The parties were directed to and had stated that they will abide by the settlement arrived at and in case the said terms of settlement were breached, the complainant could approach the Court for cancellation of bail. The petitioner seeks quashing of the FIR on the ground that the MOU/ settlement does not extend any liability of payment by him to the complainant.

Although the petitioner seeks quashing of the FIR on merits, he has neither referred to the said settlement nor has he filed a copy of the same. The petitioner has sought discretionary jurisdiction of this Court under Article 226 of the Constitution of India read with Section 482 Cr.P.C. but insofar the petitioner approached the Court by suppressing documents, the

said discretion cannot be exercised. He ought to have approached the Court with clean hands and averred all details. The petition is a misuse of the process of the writ jurisdiction of this Court. The petition is without merit and is dismissed.

NAJMI WAZIRI, J

AUGUST 31, 2018/kk