

\$~48

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

+ CRL.M.C. 4213/2018 and Crl. M.A. 30361/2018

SHADAB KHAN @ ADITYA SINGH & ORS Petitioners

Through: Mr. Amit Singh and Ms. Madhuri
Bakshi, Advocates

versus

STATE (NCT) OF DELHI & ANR Respondents

Through: Mr. Amit Ahlawat, APP for the State
with SI Aaditya Sharma
Ms. Palak Nenwani, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **21.08.2018**

The first information report (no.517/17) was registered by police station Krishna Nagar on 18.12.2017 on the complaint of the second respondent. It appears the second respondent (first informant) having completed her school education was desirous of pursuing higher studies leading to a degree in medicine. She had appeared in the National Eligibility Entrance Test (NEET) for three years in a row but could not attain the requisite qualifying marks for admission to government medical college. It is against such backdrop that she allegedly came in touch with person Aditya Singh, the said name having been used by the first petitioner Shadab Khan. It is alleged in the FIR that the first petitioner offered to assist for consideration, the

suggestion eventually being that a nominee seat for students from North-East States of India would be arranged for the first respondent against consideration of Rs.20 Lakhs. The allegations have been made as to the involvement of the second and third petitioners in the said design. The money allegedly was passed on, but the petitioners having rendered themselves incommunicado, the first informant suspected fraud and reported the matter to police.

The present petition is filed on the basis of a memorandum of understanding (MOU) dated 10.04.2018 in terms of which the petitioners have agreed to refund the money to the second respondent and, in turn, the second respondent is ready to forego, she having agreed to the quashing of the FIR for which the petition is filed invoking the inherent power of this court under Section 482 Cr.PC.

As submitted by the Additional Public Prosecutor a case of such grave and sinister nature cannot be allowed to be brushed under the carpet only because one victim of the petitioners has now agreed to bury the hatchet, her money having been or in the process of being refunded. Even going by the allegations in the FIR, the petitioners had a network running to secure admissions by backdoor methods in the institutions of higher learning. A case of this case nature needs to be taken to the logical end. This is hardly a matter where this court should exercise its power and jurisdiction under Section 482 Cr.PC. [see *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another*, (2017) 9 SCC 641].

At this stage, the learned counsel for the petitioners submitted that he may be permitted to withdraw the captioned petition and the application filed therewith.

The petition and the application filed therewith are dismissed as withdrawn.

R.K.GAUBA, J

AUGUST 21, 2018

yg

CRL.M.C. 4213/2018

page 3 of 3