

\$~12

IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 18th July, 2018

+ CRL. M.C. 2015/2015

SHARON SHAKEER

..... Petitioner

Through: Mr. K.P. Rajagopal, Adv.

versus

STATE

..... Respondent

Through: Mr. Mukesh Kumar, APP for
the State with SI Sunil Kumar,
PS Tilak Marg.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The present petition presented under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) prays for proceedings arising out of the charge-sheet submitted on conclusion of the investigation into FIR No. 51/2012 of police station Tilak Marg involving offences punishable under Sections 451/419/420/511 and 174 A, Indian Penal Code, 1860 (IPC) to be quashed against the petitioner.

2. It appears that according to the prosecution case, the petitioner was a candidate for public examination for admission to Engineering, Medical and Agricultural courses of Kerala in 2012 and was to appear to take the said test on 25.04.2012 in the first paper (Chemistry and Physics), the premises of Kerala Education Society Senior Secondary School, Shri Madhav Rao Sindhia Marg, New Delhi, being the

examination centre for this purpose, he having been assigned roll no. 234708. It is stated that the examination invigilator of room no.10 where the petitioner was to sit as the candidate, caught one Manoj Kumar, answering the question paper on his behalf and in his lieu having appeared there by impersonation. On the basis of his complaint, the afore-mentioned FIR was registered. Documents including admit card and copy of identity card of the petitioner were seized statedly from the person who was wrongfully appearing in his name. The petitioner was arrested from the premises of a hotel where he was sitting at the relevant point of time on the pointing out of the said Manoj Kumar. The petitioner evaded the process of investigation and this led to he being eventually declared a proclaimed offender in the case by the Court of Metropolitan Magistrate by order dated 22.03.2013. After the investigation has been completed, charge-sheet was laid by the Court of Magistrate on 27.03.2015 where the matter remains pending. It appears even the first person arrested i.e. Manoj Kumar, has jumped bail leading to duress process being issued against him.

3. The petitioner's submission was that he had no involvement in the offences which are stated to have been committed and the case is an abuse of process of court is found to be incredible against the above-noted background facts. It is clear from his evasive conduct that the present petition seeking quashing of the proceedings before the trial court itself is an abuse of the process of Court.

4. The petition is, thus, dismissed with costs of Rs. 20,000/-, to be deposited with Delhi High Court Legal Services Committee with

direction that the petitioner must appear forthwith before the trial court without further default and participate in the pending proceedings.

R.K.GAUBA, J.

JULY18, 2018

nk

