

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

% Decided on: 19th April, 2018

+ **W.P.(CRL) 2099/2017 and Crl. M.A. No. 11766/2017 (stay)**

JAGANNATH D PARKHI

..... Petitioner

Represented by: Mr. Ashok K. Panigrahi and
Mr. Rajvardhan Singh,
Advocates.

versus

Y. HARI KUMAR, IO C B I & ORS

..... Respondents

Represented by: Mr. Sanjeev Bhandari, Spl. P.P.
for CBI.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

MUKTA GUPTA, J. (ORAL)

1. By this petition, petitioner seeks quashing of Regular Case No. R.C.2(S)/98/SCBI/CBI/DLI dated 28th August, 1998 registered by CBI against the petitioner and to declare that the respondents illegally arrested the petitioner, thus are liable to pay exemplary damages and also action against respondents for false and frivolous case foisted on the petitioner.

2. Above noted FIR was registered on a written complaint received by Superintendent of Police from J.C. Tiwari, Inspector/SCB-II on 24th August, 1998 alleging that the petitioner had cheated Government of India to the tune of ₹20,000/- on the basis of forged letters dated 5th October, 1996, 2nd October, 1996 and 3rd October, 1996 respectively purported to have been issued by S.S. Kakde, Y.G. Patil and V.V. Navale respectively, all former Members of Parliament addressed to the then Prime Minister of India, Shri H.D. Deve Gowda for availing financial assistance from Prime Minister's National Relief Fund and another financial help of ₹20,000/- granted to Smt.

Saraswati Parkhi, mother of J.D. Parkhi from Union Health Minister's Discretionary Grant on 22nd July, 1998 using forged letters of various members of Parliament. After investigation in the above noted FIR, two charge sheets were filed in Court on 28th October, 1999 and the learned Trial Court took cognizance on the two charge sheets on 17th January, 2000.

3. This is the fourth round of litigation by the petitioner before this Court relating to the above noted FIR. Immediately after the registration of above noted FIR, the petitioner filed W.P. (Crl.) No. 450/1999 before this Court seeking quashing of FIR which was dismissed by this Court on 12th May, 1999 whereafter two charge sheets bearing Nos. 3/1999 and 4/1999 dated 27th October, 1999 were filed in the court of learned CMM, Tis Hazari Courts.

4. Since the petitioner absented on certain dates of hearing, non-bailable warrants were issued whereafter, after the arrest the petitioner was released on bail. While the matter was pending consideration on charge before the learned Trial Court, petitioner filed another writ petition being W.P. (Crl.) No. 859/2002 seeking quashing of criminal proceedings in the above noted FIR which writ petition was dismissed by this Court on 20th January, 2003. Vide order dated 22nd February, 2004 learned Trial Court passed an order on charge for offence punishable under Sections 420/468/471 IPC and listed the matter for framing of charge on 26th October, 2004.

5. Petitioner again filed a writ petition being W.P. (Crl.) No. 1524/2006 before this Court which was permitted to be withdrawn on 5th December, 2007. The learned Trial Court dismissed his application seeking discharge and framed charges under Sections 420/468/471 IPC on 12th January, 2012 which order was challenged by the petitioner by way of revision petition

before the learned Additional Sessions Judge, Karkardooma which was dismissed by the learned Additional Sessions Judge on 17th April, 2017. Now the present petition seeking quashing of the order dated 17th April, 2017 passed by the learned Additional Sessions Judge and other prayers as noted above.

6. From the facts noted in the FIR and the material collected by the investigating agency prima facie a case for cheating and forgery is made out. Thus at this stage this Court cannot come to conclusion that the petitioner has been falsely implicated or that his arrest is illegal and motivated and that compensation be provide to him.

7. Petition and application are dismissed.

(MUKTA GUPTA)
JUDGE

APRIL 19, 2018
‘vn’

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