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

+ CRL.M.C. 2286/2017

MAM RAJ & ANR Petitioners
Through Mr. M.M. Kashyap, Adv.

versus

COMMISIONER OF POLICE DELHI Respondent
Through Mr. Izhar Ahmad, APP with SI
Sanjay kaushik, P.S. Sarai Rohilla
Mr. J.K. Singh and Mr. Madhuliten
Agrawal, Advs. for respondent nos. 2
to 4

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **03.08.2018**

It has not been disputed by the learned APP and counsel for respondent nos. 2 to 4 that facts of this case are identically similar to the facts involved in Crl. M.C. No. 1218/2015 titled Kanwar Singh Gurjar vs. Commissioner of Police Delhi and Ors, which has been disposed of by a Bench of coordinate jurisdiction, vide order dated 2nd March, 2017. In this case also petitioners' signatures and photographs on the application matched except the thumb impressions. It has also not been disputed by the learned APP and learned counsel for the respondent nos. 2 to 4 thumb impressions

appearing on the documents of written test, physical efficiency test and interview of petitioners have matched with his thumb impressions. In Kanwar Singh Gurjar (supra), it has been held thus:-

“18. The thumb impression on the original Application Form dilutes the act of mischief/any intention on the part of the petitioner as his photograph and his original signature does appear on the said Application form. The thumb impression alone ipso facto does not lead to any logical conclusion as there were three subsequent stages, i.e. written test physical efficiency test and viva voce, wherein similar application forms and his personal attendance were required. There is no mis-matching of signatures, thumb impressions and photographs in the subsequent stages and there is no complaint of non-participation in the subsequent three stages, which otherwise means, the petitioner did appear in the written test, physical efficiency test and interview.

19. The only thing which is coming as a hurdle in the way of the petitioner is the non-matching of thumb impression in the initial stage of filling up of the Application Form only, which ipso facto does not reaches to any conclusion of commission of above offence.

20. Therefore, to meet the ends of justice I deem it appropriate to quash the FIR No. 968 dated 27.09.2014 under Sections 419, 468, and 471 IPC registered at Police Station Sarai Rohilla, Delhi, to remove the hurdle in the personal life of the present petitioner for leading better and peaceful life.”

I do not find any reason to take a different view than what has been taken by a Bench of coordinate jurisdiction in the similar facts. Accordingly, FIR No. 539/2014 under Sections 419/468/471 IPC registered at Police Station Sarai Rohilla, which is at the investigation stage, is quashed qua the petitioners.

Petition is disposed of in the above terms. Dasti.

A.K. PATHAK, J.

AUGUST 03, 2018
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