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

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\+ **W.P.(C) 13228/2018**

VIVEK CHAUHAN ..... Petitioner

Through: Ms Pallavi Awasthi and Ms Mitali Tyagi, Advocates.

versus

UNION OF INDIA AND ANR. ..... Respondents

Through: Mr Ripu Dhaman Bhardwaj, CGSC with Mr Abhishek Khanna, Advocates for UOI.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE SANJEEV NARULA

O R D E R

% 10.12.2018

CMs 51419-51420/2018 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 13228/2018 & CM 51421/2018 (ad-interim relief)

2. The challenge in this writ petition is to the impugned order dated 27th July, 2018 whereby the Petitioner has been informed that he is not suitable for appointment in CISF and, therefore, the offer of appointment made to him by the letter dated 12th December, 2017 as SI/Exe in the CISF stood withdrawn.

3. The reason for the above letter was the involvement of the Petitioner in an incident as a result of which FIR No.110/2013 was registered against him under Sections 323/354/509 IPC at PS Raja Garden. It appears that seeking

the quashing of the said FIR, the Petitioner filed Crl. MC No.337/2017 in this Court under Section 482 Cr PC. In that petition an order was passed on 20th March, 2017 which reads as under:

> "By the present petition the petitioner seeks quashing of FIR No.110/2013 under Sections 323/354/509 IPG registered at PS Raja Garden Metro, Delhi on the complaint of Respondent No.2 and the proceedings pursuant thereto on the ground that the parties have settled the matter.
>
> Learned APP for the State on instructions submits that in the above noted FIR the petitioner is the only accused and the respondent No.2 the only complainant/victim.
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> The Respondent No.2 Mr. Suman Lata who is present in Court and is identified by the Investigating Officer states that since the petitioner has tendered an unqualified apology, she has forgiven him and settled the matter with the petitioner with the intervention of the relatives and friends. She further states that she does not wish to pursue the above noted FIR and the proceedings pursuant thereto.
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> Petitioner who is present in Court and is identified by learned counsel affirms the statement of respondent No. 2 and tenders his unqualified apology. He assures that no such misbehaviour will take place with anyone in future and to show remorse the petitioner agrees to deposit a cost as well.
>
> In view of the fact that the parties have amicably resolved their differences of their own free will, volition and without any coercion and no useful purpose will be served in continuance of the proceedings, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto. There is no legal impediment in quashing the FIR in question. Consequently, FIR No. 110/2013 under Sections 323/354/509 IPC registered at PS Raja Garden Metro, Delhi and proceedings pursuant thereto are hereby quashed subject to the petitioner depositing a cost of Rs10,000/- with the Juvenile Justice Fund

Maintained by the Registrar General of this Court within four week.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of Order *dasti.*"

4. The question then arises is to whether the above order should be construed as giving the Petitioner a clean chit i.e. on the same footing as a person being given a clean acquittal after a full-fledged trial, which was the factual situation in the decision cited by the learned counsel for the Petitioner, i.e. ***Sandeep Singh v Union of India (2015) 147 DRJ 154***?

5. It is seen that the order passed by this Court on 20th March 2017, far from giving the Petitioner a 'clean chit', records his unqualified apology and his assurance to the Court that "no such misbehaviour will take place with anyone in future". Further to show remorse, the Petitioner agreed to deposit the costs as well. It is in those circumstances, that the aforesaid FIR came to be quashed.

6. It appears that it is this order dated 20th March 2017 that has weighed with the Respondents in issuing the letter dated 27th July, 2018 to the Petitioner withdrawing the 'offer of appointment'.

7. Learned counsel for the Petitioner then stated that there should have been an enquiry held to examine whether the Petitioner's conduct in the incident, which forms the subject matter of the above FIR, was actually objectionable.

8. The Court is unable to agree with this submission. With the order of this Court dated 20th March, 2017 itself sets out the circumstances under which the said FIR came be quashed. Since the fact of such order being passed on a settlement between parties is not in dispute, the question of any further enquiry into the circumstances that led to the registration of the FIR would not arise.

9. This Court is unable to find any ground of interference in the impugned order. The petition and the pending application are accordingly dismissed, but in the circumstances, with no orders as to costs.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

DECEMBER 10, 2018
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