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

+ **W.P.(CRL) 2921/2019**

ARTI DUBEY

..... Petitioner

Through: Mr Nitin Saluja and Mr Anurag Andley,
Advocates.

versus

STATE (GOVT. OF NCT OF DELHI) & ORS Respondents

Through Mr Jamal Akhtar, Mr Amarpreet Singh,
Advocates for Mr Rahul Mehra, Standing Counsel
for State. SI Indrapal Singh, P.S. Madhuvihar.
Mr Prakarsh Airan, Advocate for R2 to R8.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.10.2019

CRL.M.A. 38234/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(CRL) 2921/2019

3. The petitioner has filed the present petition, *inter alia*, praying that the FIR bearing No. 175/2019 under Section 420/406 IPC registered with Police Station Madhu Vihar, Shahdara, New Delhi and all proceedings emanating thereunder, be quashed.
4. The said FIR was registered at the instance of respondent no.2 (Laxmi Rawat). She had alleged that petitioner had collected funds from several persons (respondents herein) on the representation that she would arrange for admission of their children under EWS Category. Admittedly, the

children of the respondents did not qualify for admission under that category. It is alleged that based on the said representations, the respondents had also paid significant money (a total sum aggregating ₹4,91,000/-) to the petitioner. It is stated that the petitioner had failed to perform her obligations and had thereafter refunded a sum of ₹1,49,000/-.

5. Respondent no.2 had also alleged that the petitioner had collected a sum of ₹20,000/- from one Anmol. She is now present in Court and states that the said sum was borrowed from Anmol and was returned separately. In this view, he has not been made a party to the present petition. Although, the said FIR has been lodged against the petitioner, it is apparent that the respondents also had a significant role in the said transactions and they cannot escape the culpable implications of their actions. They had voluntarily contracted the services of the petitioner for obtaining benefit of EWS Scheme to which they were not entitled to. Having stated the above, this Court is of the view that since both the parties have resolved their differences and disputes and that the children of the respondents were not admitted to the school under the EWS category, the FIR in question may be quashed. However, this Court also considers it apposite to impose conditions on the petitioner and the respondents, by directing them to deposit cost of ₹25,000/- each. The respondents are present in Court and are identified by the Investigating Officer. The petitioner is also present in Court and is identified by her counsel. The said parties undertake to contribute a sum of ₹25,000/- each to the Delhi Police Martyrs Fund within a period of two weeks from today. They further state that they have no grievance against each other and have resolved their disputes.

6. In view of the undertaking given by the petitioners and the

respondents and in view of the statements made by them before this Court, the FIR No. 175/2019 under Section 420/406 IPC registered with Police Station Madhu Vihar, Shahdara, New Delhi and all proceedings emanating therefrom, are quashed.

7. The petitioner and respondent nos. 2 to 8 shall sign this order as an acknowledgment of the statements and undertaking recorded herein to this Court. The receipts indicating that the costs have been deposited shall be furnished to the IO within the aforesaid period. The IO is directed to move an appropriate application before this Court if the same is not done.

8. The petition is disposed of.

VIBHU BAKHRU, J

OCTOBER 16, 2019/pkv