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

Date of decision: 27.11.2019

+ CRL.M.C. 6049/2019

VISHNU KUMAR YADAV

..... Petitioner

Through Mr. R A Sharma, Adv. with petitioner
in person

versus

STATE (GNCT DELHI) & ANR

..... Respondents

Through Mr. Panna Lal Sharma, APP for State
Insp. Jitender Kumar , SHO &
SI Sanjay Kumar, PS NDRS
Mr. Neeraj Lamba, R-2/complainant

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

1. By way of the instant petition, the petitioner seeks directions thereby quashing of FIR NO.244/2009 Registered at P.S. NDRS for the offence punishable under Section 363 IPC on the ground that settlement has been arrived at between the petitioner and the respondent no.2.

2. The case of the prosecution is that on 15.07.2019, SI Satbir Singh, GRP Ambala, HC Vinod Kumar No.45/GRP, Ct. Suleman and RIC/ RPF Bhudev New Delhi RPF Post came to NDRS and one case 042 FIR, GRPF

Ambala was registered and accused Visnu Kumar S/o Rajeshwar Singh Yadav R/o VPO Awthai, PS Aadar Pole, District Gazipur, U.P. produced to SHO and the SHO directed to convert regular FIR and investigation was assigned to the IO. The content of Zero FIR No. 042/09 under Section 363 IPC was registered on the basis of the complaint made by complainant Neeraj Lamba, who was travelling with his family in Coach No.S-5 Seat No. 53 to 58 (6G) from New Delhi to Amritsar vide PNR No. 2261870953. When the train started for New Delhi, one gentlemen in his strong physique picked up complainant's child, namely Ajay, who was 2 ½ years old at the relevant time, in his lap and ran away with the child but fortunately they could catch hold of him and handover him over to the RPF persons who were on duty escort in the train.

3. It has now been pleaded by the petitioner by way of the present petition that since he has arrived at an amicable settlement with the complainant/ respondent no.2 vide compromise deed executed on 25.9.2019, the aforementioned FIR and all consequent proceedings emanating therefrom may be quashed.

4. Learned APP has vehemently opposed the present petition by submitting that the offence committed by the petitioner-accused is serious in

nature as he is a child kidnapper and he should face trial and the petition be not allowed.

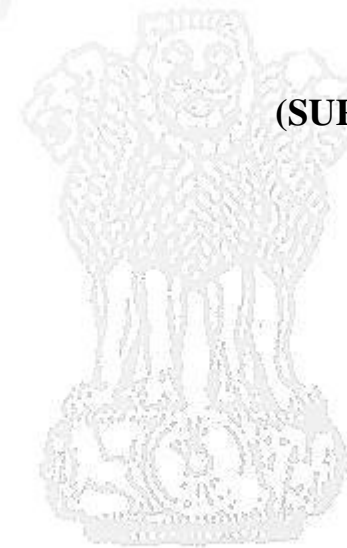
5. Keeping in view the serious allegations against the petitioner, I am of the considered view that the petitioner does not deserve any leniency and this type of case should not be quashed.

6. Accordingly, the present petition is dismissed.

(SURESH KUMAR KAIT)
JUDGE

NOVEMBER 27, 2019

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न्यायमेव जयते