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

+ CRL.M.C. 663/2019 and Crl.M.A.2737-2738/2019

ASHISH CHAND & ORS. Petitioners

Through: Mr. Aman Vachher, Advocate

versus

STATE & ORS. Respondents

Through: Mr. Sanjeev Sabharwal, APP for the
State with Insp. Pawan Tomar, PS
Janakpuri.
Ms. Radhika Arora, Adv. for R-2 &
R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **06.02.2019**

The involvement of the petitioners in the crimes reported vide first information report (FIR) No.305/2018 registered by Police Station Janak Puri at the instance of second respondent has been under investigation. The petitioners have come up with the present petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) with the prayer for the case to be quashed on the basis of settlement dated 03.02.2019, entered upon by them with the second respondent representing the complainant firm, as also with the third respondent who, in turn, represents the fourth respondent.

The State opposes the prayer in the petition on the ground that the petitioners have been elusive as they have consistently evaded joining investigation, the case involving certain offences *prima facie* committed not

only against the above mentioned respondents but also *vis-a-vis* certain airlines. Reliance is placed by the State on the order dated 23.01.2019 passed on a learned Single Judge of this court on anticipatory bail application Nos.2948/2018 and 2949/2018 of the first and second petitioners, such prayer having been declined, *inter alia*, taking note of the fact that the evidence gathered during investigation would also show that aside from the offences under Sections 420/406 of the Indian Penal Code, 1860 (IPC) committed against the first informant, the petitioners appear to have abused the “*married segment*” clause of the air lines by creation of PNRs of referred tickets against the booking procedure, such abuse having been detected by the air lines resulting in agency debit memo being raised.

It is clear from the order dated 23.01.2019 passed on the above mentioned bail applications that the contours of the case go beyond what was projected through the FIR registered at the instance of the second respondent.

It is conceded by the counsel for the petitioners that after the dismissal of the application for anticipatory bail, the petitioners have not made themselves available to the investigating agency, it being the position taken that the petitioners were not called for.

At this stage, the counsel for the petitioners sought a passover so that he could seek fresh instructions.

After some time, he has mentioned the matter and the same is taken up again. He now submits that he is under instructions to seek withdrawal of the present petition, the petitioners seeking liberty to file afresh on the basis of settlement after they have joined investigation and report of

investigation under Section 173 Cr.PC has been submitted.

The petition and the applications filed therewith are dismissed as withdrawn with liberty as prayed for granted.

R.K.GAUBA, J.

FEBRUARY 06, 2019

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CRL.M.C. 663/2019

page 3 of 3