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

+ **W.P.(CRL) 382/2018**

KAMAL NARAIN NIRBAN

..... Petitioner

Through: Mr Dhananjai Kaushal and Mr Vipin
Kumar Yadav, Advocates.

versus

STATE (N.C.T) & ANR

..... Respondents

Through: Ms Kusum Dhalla, APP for State.
SI Mahesh, PS Domestic Airport
Mr Phool Kumar, Advocate for R-2
and R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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16.10.2019

CRL.M.A. 38320/2019

1. The petitioner has filed the present application, *inter alia*, praying that the present petition – which was dismissed for non-prosecution on 02.09.2019 – be restored.
2. For the reasons stated in the application, the same is allowed.

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3. The petitioner has filed the present petition, *inter alia*, praying that FIR bearing no.407/2011 under Section 420/468/471 of the IPC read with Section 12 of the Passports Act, 1967 registered with PS IGI Airport and proceedings emanating therefrom, be quashed. The allegation against the petitioner is that he had forged a residence permit. The petitioner impugns

the FIR in question on the sole ground that the offences alleged are stated to have been committed outside the territory of India (that is, in the United Kingdom) and therefore, permission from the Central Government under Section 188 of the CrPC was required before prosecuting the petitioner. The present petition is founded on the basis that such a sanction had not been obtained.

4. The respondent had filed a status report indicating that the application for prosecution under Section 188 of the CrPC had been sent to the Government on 16.02.2018 and the same was awaited. Ms Dhalla, learned APP appearing for the State states that the said sanction has since been obtained.

5. In view of the above, the foundation on which the present petition rests no longer survives. The petition is, accordingly, dismissed.

VIBHU BAKHRU, J

OCTOBER 16, 2019
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