

\$~9

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

+ BAIL APPLN. 1990/2019

PRABHAT RAJ

..... Petitioner

Through Mr.Pavan Kumar, Adv. with
Mr.Yugal Kishore Prasad, Adv.

versus

STATE (NCT OF DELHI)

..... Respondent

Through Mr.Tarang Shrivastava, APP for
State.
SI Tej Dutt PS Nabi Karim.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

%

25.09.2019

Vide the present application, the applicant/accused seeks bail in pursuance to FIR No.73/2019 registered at Police Station Nabi Karim, District, Central Delhi.

Learned counsel appearing on behalf of applicant submits that the total amount has been paid to the complainant and the complainant does not wish to prosecute the matter any further.

Learned counsel for the applicant prays that let this bail application be converted into a petition under section 482 Cr.P.C. for quashing of FIR No.73/2019.

His oral request is accepted.

The complainants/claimants are present in court and have accepted the amount claimed, without any protest and submit that since the matter has

been settled out of the court and settlement amount has been received, they do not want to pursue the case any further against the accused persons.

The complainants are present in person and have been identified by SI Tej Dutt of Police Station Nabi Karim.

Keeping in view the fact that the applicant/accused at the time of commission of offence, was in B.Sc. first year and his father is a private security guard in Bihar at Patna.

The applicant is at a young age in his career and has assured this court that he shall not repeat the same in future. Moreover, the total amount has been paid vide DD Nos.165098, 165099 and 165104 by the father of the applicant to the complainants/claimants.

Therefore, in the interest of justice and for the career of the applicant, this court is inclined to quash the concerned FIR as no useful purpose would be served in prosecuting the petitioner any further.

At this stage, learned APP has disclosed that chargesheet has already been filed and co-accused is in judicial custody.

As pointed out, in DD No.165099, name of the complainant is mentioned as Dheeraj Kumar whereas the spelling of his name is Dhiraj Kumar. It is made clear that if his DD is not cleared from the bank, the applicant shall get it corrected from the concerned bank and issue the same in the name of Dhiraj Kumar.

Since the FIR in question has been quashed by this court, the Jail Superintendent is directed to release the applicant and co-accused namely Nandan Kumar from the judicial custody.

The petition is allowed and disposed of accordingly.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for information and compliance.

Order *dasti*, under the signature of Court Master.

SURESH KUMAR KAIT, J

SEPTEMBER 25, 2019

ab