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

+ W.P.(CRL) 2666/2019

RAJ NIWAS @ RAJ

..... Petitioner

Through: Mr. R.N.Sharma & Mr. Sangam
Singh, Advocates

Versus

STATE (GNCT OF DELHI) & ANR. Respondents

Through: Mr. Rajesh Mahajan, Additional
Standing Counsel with SI Inspector
Manish

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

13.11.2019

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Petitioner is seeking quashing of FIR No. 183/2001, under Sections 406/417/419/420/120B IPC & Section 12 of Passport Act, registered at police station R.K.Puram, New Delhi in this petition.

Learned counsel for petitioner submits that proceedings in this case have been going on for last eighteen years and though part arguments on charge had been heard, but charge has not yet been framed in this case.

Learned Additional Public Prosecutor for State has drawn attention of this Court to the order calling for a report from the learned ACMM for the delay in disposal of case in question.

Report from learned ACMM has been received. It runs as under:-

'Perusal of record reveals that the presence case is at the stage of arguments on charge and the case had to be

adjourned on the various occasions due to non appearance of one or more accused persons. It is further submitted that undersigned has joined the present court in the month of April 2019 and the matter was first listed before the undersigned on 22.04.2019 and on that date, accused Raj Niwas and Pawan Malhotra were not present and their counsels were also not present and the matter was re-listed for fresh arguments on charge for 26.06.2019. On 26.06.2019, accused Pawan Malhotra did not appear nor the arguing counsel of accused Pawan Malhotra was present and the matter was re-listed for arguments on charge on 23.09.2019. On 23.09.2019, again accused Pawan Malhotra did not appear and an exemption application on his behalf was moved which was dismissed by the undersigned with directions to the accused Pawan Malhotra to appear in person and the matter is now listed for arguments on charge on 20.12.2019.'

The one who is coming to the Court for quashing of proceedings, must come to the Court with clean hands. Since there is default on the part of the accused persons also for delay in trial, no grounds for quashing of the proceedings are made out.

At this stage, learned counsel for petitioner submits that since the case is eighteen years old, a direction may be issued to the learned trial court to expedite the disposal of the case.

Heard.

This petition stands disposed of with a direction to the learned trial court to expedite hearing and disposal of the case in question since it is an old case. However, the learned counsel for the petitioner and also learned counsel for the other co-accuseds will also fully cooperate in expeditious disposal of the case. It will not be proper to blame the learned trial court alone for delay in disposal of the cases.

BRIJESH SETHI, J

NOVEMBER 13, 2019

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