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

+ CRL.M.C. 2583/2014

RAJENDRA SINGH

..... Petitioner

Through

Mr. B.S. Joon and Ms. Aakriti
Mishra, Advs.

versus

STATE & ANR

..... Respondents

Through

Mr. Amit Chadha, APP with SI Lala
Ram, P.S. Lodhi Colony
Respondent no. 2 in person

AND

+ CRL.M.C. 2591/2014

RAJENDRA SINGH

..... Petitioner

Through

Mr. B.S. Joon and Ms. Aakriti
Mishra, Advs.

versus

STATE & ANR

..... Respondents

Through

Mr. Amit Chadha, APP with SI Lala
Ram, P.S. Lodhi Colony
Mr. D.P. Aggarwal, Adv. for
respondent no. 2

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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06.03.2019

Petitioner was working as a teacher in D.C. Arya Senior Secondary

Signature Not Verified

Signing Date: 19.10.2024 17:00:17
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

School, Lodhi Colony, New Delhi. He was compulsorily retired from the service in the year 1994, after holding inquiry as per the rules. In the year 1999, petitioner filed a complaint with the Anti-Corruption Branch of Delhi Police alleging therein certain irregularities and misappropriation of funds committed by the school authorities. No action was taken by the Anti-Corruption Branch of Delhi Police. Thereafter, petitioner filed an application under Section 156(3) Cr.P.C. before the Metropolitan Magistrate, Delhi. Vide order dated 28th September, 1999, learned Metropolitan Magistrate ordered for registration of FIR. Accordingly, FIR No. 351/1999 under Sections 409/420/468/471 IPC read with Section 120-B IPC was registered at police station Lodhi Colony. After investigation, charge-sheet was filed against Mr. B.L. Singal (Principal), Mr. Hitlal (Cashier) and Mr. Inder Lal Singh (Teacher). Mr. Inder Lal Singh died during the pendency of trial and proceedings against him were abated.

Vide order dated 8th October, 2013 Mr. B.L. Singal was discharged; while charge under Sections 409/420 IPC was framed against Mr. Hitlal.

Mr. Hitlal filed a Revision Petition against framing of charges against him. Petitioner filed a Revision Petition against discharge of Mr. B.L. Singal. Vide order dated 14th December, 2013 Revision Petition of Mr.

Hitlal has been allowed and he has been discharged for the offences under Sections 409/420 IPC. Petitioner's petition has been dismissed, vide order dated 13th March, 2014.

That is how, petitioner is before this Court by way of present petitions under Section 482 Cr.P.C.

As regards Mr. Hetlal is concerned, trial court noted that allegations against him were that he had issued two receipts bearing nos. 1568 and 1860 of ₹501/- and ₹751/- respectively towards the donations received in the school. However, only ₹101/- and ₹151/- were reflected in the counterfoils of the receipts. It was, thus, alleged that he had misappropriated ₹1,000/-. Accordingly, charges were framed against Mr. Hitlal. Learned Revisional Court has placed reliance on the statements under Section 161 Cr.P.C. of the donors, who had confirmed that they were originally required to pay ₹501/- and ₹751/-. However, subsequently, they had only given ₹101/- and ₹151/- respectively. Learned Revisional Court has noted that this amount has been correctly reflected in the counterfoil of the receipts. Revisional Court has held that donors had not supported the allegations. Accordingly, no prima face case was made out against Mr. Hitlal for framing of charges under Sections 406/420 IPC.

As regards Mr. B.L. Singal is concerned, it was alleged that he had conspired with Mr. Hitlal. Learned Revisional Court has noted that there was no material on record to this effect to show that Mr. B.L. Singal had conspired with Mr. Hitlal. It was further noted that Mr. Hitlal was discharged; therefore, Mr. B.L. Singal could not have been charged. Revisional Court has held that Mr. B.L. Singal was rightly discharged by the trial court.

It is noted that inquiry was held against the petitioner for having committed misconduct while in service. Petitioner was held guilty of misconduct and was compulsorily retired. After his compulsory retirement, he has filed complaints against the aforesaid persons alleging irregularity. Revisional Court has noted that he was a disgruntled ex-employee of the school and had been pursuing the complaint out of personal vendetta. Even otherwise, petitioner had no personal information and had filed the complaint on the basis of hypothetical assumptions and in order to make roving enquiry.

I do not find any perversity in the impugned orders which may require interference of this Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C. Impugned orders have not resulted any miscarriage of

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justice. Both the petitions appears to have been filed due to personal grudge, which petitioner is having since he was compulsory retired from the service. Both the petitions are dismissed with costs of ₹20,000/- each, to be deposited with the Delhi High Court Bar Association Lawyers' Social Security & Welfare Fund, New Delhi within six weeks. It is made clear that if receipts evidencing deposit of costs are not filed in the Registry, no other petition of the petitioner shall be entertained by the Registry.

MARCH 06, 2019
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A.K. PATHAK, J.