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

+ W.P.(CRL) 2091/2015 & CrI. M.A. 13860/2015 & 2285/2016

RAHUL MOIRANGTHEM & ORS

..... Petitioners

Through: Mr. Colin Gonsalves, Sr. Adv. with Ms.
Olivia A. Bang, Adv.

versus

GOVERNEMENT OF NCT OF DELHI & ORS Respondents

Through: Mr. Avi Singh, ASC with Ms. Purnima
Malik, Adv. with SI Amit Solanki, PS Vasant
Vihar.

Mr. Aditya Vikram, Adv. for Sr. Celina
Alexander, Principal of Holy Child Auxilium
School, Vasant Vihar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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06.02.2019

It has been verified by the learned counsel for the State that, by order dated 03.11.2016 petitioner no.2 – the juvenile, stands acquitted in case FIR No. 175/2015 registered at Police Station Vasant Vihar. In effect, petitioner no.1 is the only person against whom the FIR could be prosecuted. An affidavit dated 07.01.2019 has been filed by Sr. Celina Alexander, the Principal of Holy Child Auxilium School, Vasant Vihar, New Delhi, it *inter alia* reads as under:

“...2. I know that Mr. Rahul Moirangthem, a young man of 23 years was arrested by the Delhi Police in respect of a break-in that took place at our school. From all the information that I have managed to gather it appears that he is a good person from a decent family who

is currently studying in St. Joseph's College, Bangalore, for his B.A. degree.

3. Since I do not want his life to be spoilt in any manner and I believe he has a bright future ahead of him I would request that closure be given to the criminal case in FIR 175 of 2015 dated 13.2.15 P.S. Vasant Vihar, Delhi and the issue of the break-in be put behind us....”

Since the Principal, at whose School the alleged offence is stated to have occurred, herself is not desirous of pursuing the matter any further, nothing worthwhile is likely to come out of the trial. Since the deponent is not present and is not represented by a counsel to espouse her case, the Court deems it fit to appoint Mr. Aditya Vikarm, Advocate, who is present in Court, as her counsel. The case was passed over. The learned counsel for the petitioner assures the Court that the Principal – Sister Celine Alexander has been spoken to and she would be authorizing Mr. Aditya Vikarm, Advocate as her counsel. Let the Vakalatnama be filed within two days. List for compliance for filing of Vakalatnama on 12.02.2019.

In view of the above, the substratum of the FIR is wholly denuded and any proceedings emanating therefrom would be an exercise in futility. In these circumstances, the FIR No. 175/2015 dated 13.02.2015 registered at Police Station Vasant Vihar, New Delhi under Sections 457/380/34 IPC and all proceedings emanating therefrom is hereby quashed. The petitioners undertake to plant 100 trees each in the forest area/ public land near their place of residence with due permission of the DFO/ SDM concerned, and intimate compliance of the same to the IO of the case in three months.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

FEBRUARY 06, 2019/kk