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

Date of decision: 18.08.2020

+ CRL.M.C. 1654/2020

SYED SALMAN ALI & ORS.

..... Petitioners

Through Mr.Shrey Patnaik, Adv.

versus

STATE (NCT OF DELHI) & ANR.

..... Respondents

Through Mr.Panna Lal Sharma, APP for the
State.

SI Ravi Kumar PS Krishna Nagar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

The hearing has been conducted through video conferencing.

Crl. M.A. 11105-06/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. Applications are disposed of.

Crl.M.C.1654/2020

3. Vide the present petition, petitioner seeks quashing of FIR No. 517/2017 dated 18.12.2017, registered at Police Station Krishna Nagar, Delhi and all other proceedings arising therefrom.
4. Notice issued.

5. Notice is accepted by learned APP for State and by respondent no.2 through video conferencing and with the consent of counsel for parties, the present petition is taken up for final disposal.

6. The present petition is filed on the ground that parties have settled their disputes and respondent no. 2 has no objection if the present petition is allowed.

7. It is pertinent to mention here that previously petitioner approached this Court vide CrI.M.C.4213/2018 and the same was taken up on 21.08.2018 whereby observed that the present case is a grave and sinister nature and cannot be allowed to be brushed under the carpet only because one victim of the petitioners has now agreed to bury the hatchet, her money having been or in the process of being refunded. Even going by the allegations in the FIR, the petitioners had a network running to secure admissions by backdoor methods in the institutions of higher learning. A case of this case nature needs to be taken to the logical end. This is hardly a matter where this court should exercise its power and jurisdiction under Section 482 Cr.PC. [see *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others vs. State of Gujarat and Another: (2017) 9 SCC 641*].

8. At that stage, counsel for the petitioners sought permission to

withdraw the said petition and accordingly, the same was dismissed as withdrawn.

9. After the investigation, chargesheet has been filed and IO of the case who is present in Court through video conferencing submits that , there is no other case registered against any of the petitioners and not received any complaint from any corner regarding taking the money for getting the admission from backdoor.

10. This Court put a specific query to the IO that whether they are part of some racket, however, he replied in negative.

11. Counsel for the petitioners has relied upon the case of ***Jitender Rana & Ors. vs. State (NCT of Delhi) & Ors.: 2007 SCC OnLine Del 222*** and the relevant paras are as under:

“4. Section 120-B of IPC is criminal conspiracy to commit an offence. Here in this case the allegations are of a criminal conspiracy to commit offence of cheating. When offence of cheating itself is compoundable, Section 120-B of IPC read with Section 420 of IPC becomes compoundable and the Court of Metropolitan Magistrate has power to allow the application for compounding of the offence of Sections 419, 420 read with Section 120-B of IPC. In all such cases where substantive offence itself is compoundable, Section 120-B read with it or Section 34 of IPC read with it, shall be compoundable.”

12. Respondent no.2 made a statement before the Trial Court on

05.02.2020 that she has received the entire amount and not interested to prosecute the petitioners any further. Accordingly, the Trial Court recorded in the aforesaid order that offences under section 419/420 IPC are compoundable, however, section 120-B IPC is non-compoundable. Hence, the present petition has been filed.

13. Complainant/Respondent No. 2 is personally present in Court through video conferencing and she has been identified by SI Ravi Kumar/IO and submits that matter has been settled. She paid an amount of Rs.12,50,000/- in the year 2017 and has received Rs.14,50,000/-from the petitioners in the year 2020. Thus, she does not wish to prosecute the matter any further against the petitioners and prayed this Court that present petition may be allowed.

14. Learned APP for State, on the other hand, has raised an objection that earlier also petitioners came before this Court and the petition was dismissed as withdrawn. Moreover, due to the registration of FIR, Government machinery came in motion and public time is wasted, therefore, if this Court is inclined to quash FIR, heavy cost may be imposed upon petitioners.

15. At this stage, learned counsel for petitioners, on instructions from petitioners, who are present in Court through video conferencing, has come

forward and agreed to contribute an amount of Rs.1,00,000/- each for welfare purposes. Accordingly, petitioners are shall pay an amount of Rs.1,00,000/- each within three weeks from today as under:

- i. Petitioner nos.1 & 2 shall pay an amount of Rs.1 lac each in favour of the complainant/respondent no.2.
- ii. Petitioner no.3 shall pay an amount of Rs.1 lac in favour of Delhi High Court Legal Aid Society.
- iii. Petitioner no.4 shall pay an amount of Rs.1 lac in favour of Delhi High Court Advocates Welfare Trust.

16. Petitioners are further directed to furnish the receipt of the above amount deposited to IO concerned.

17. Keeping in view the fact that complainant has received an amount of Rs.14,50,000/- from the petitioners and she does not want to pursue the case any further, in such situation, no useful purpose would be served in prosecuting petitioners.

18. Taking into account the aforesaid facts as well as in view of the settlement arrived at between the parties, this Court is inclined to quash FIR.

19. For the reasons afore-recorded, FIR No. 517/2017 dated 18.12.2017, registered at Police Station Krishna Nagar, Delhi and consequent

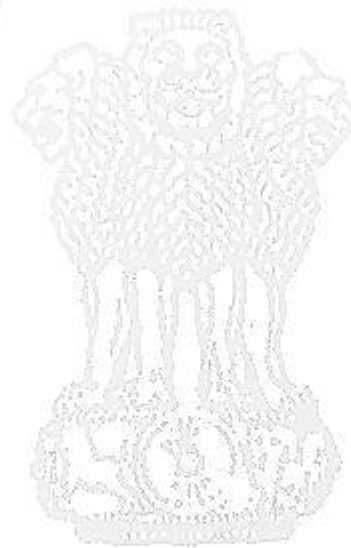
proceedings emanating therefrom are quashed.

20. The petition is, accordingly, allowed and disposed of.

21. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

(SURESH KUMAR KAIT)
JUDGE

AUGUST 18, 2020/ab



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