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

+ W.P.(CRL) 775/2024

RAVI KAPOOR

..... Petitioner

Through: Ms.Dimple Vivek, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Mr.Sanjeev Bhandari, ASC with
Ms.Anvita Bhandari, Mr.Kunal
Mittal, Mr.Arjit Sharma and
Mr.Vaibhav Vats, Advocates
alongwith SHO/Inspector Sher Singh
and Inspector Sandeep Kumar, PS:
Vasant Vihar.

+ W.P.(CRL) 728/2024

RAVI KAPOOR

..... Petitioner

Through: Ms. Dimple Vivek, Advocate.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms.Rupali Bandhopadhyaya, ASC with
Mr.Abhijeet Kumar, Advocate
alongwith SHO/Inspector Sher Singh
and Inspector Sandeep Kumar, PS:
Vasant Vihar.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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11.03.2024

CRL.M.A. 7244/2024 in W.P.(CRL) 775/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL) 775/2024 & W.P.(CRL) 728/2024

1. W.P. (CRL.) 775/2024 under Article 226 of the Constitution of India
read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.')



has been preferred on behalf of the petitioner for grant of parole for three months for attending the wedding of his niece on 12.03.2024 and restoration of social ties with his parents and family. The said petition has been received from Co-ordinate Bench in view of the pendency of W.P.(CRL.) 728/2024 earlier preferred before this Court.

2. Learned ASC for the State points out that present petition is not maintainable since earlier W.P.(CRL.) 728/2024 seeking same relief stands preferred on behalf of the petitioner, which was listed before this Court on 04.03.2024 and status report/reply was directed to be filed on 11.03.2024.

3. Learned counsel for the petitioner justifies the filing of second writ petition and submits that an application vide Diary No. 665215/2024 has been filed for withdrawal of W.P.(Crl.) 728/2024, but the said application has not been listed before this Court. It is further submitted that W.P.(Crl.) 775/2024 was filed since the name of Police Station concerned was inadvertently typed as Vasant Kunj instead of Vasant Vihar in W.P.(Crl.) 728/2024.

4. On the face of record, second W.P.(Crl.) 775/2024 has been filed by the petitioner without withdrawal of earlier writ petition (i.e. W.P.(Crl.) 728/2024). The filing of earlier writ petition has been suppressed in W.P.(Crl.) 775/2024 and rather it has been incorrectly stated in paragraph 18 that the petitioner has not filed any other similar petition before this Court or before Hon'ble Supreme Court of India.

5. The petitioner could have moved an application for correction of P.S./FIR in case of a typographical error in earlier W.P.(Crl.) 728/2024, but could not have filed a fresh petition without liberty being granted by this Court. This Court distinctly recollects that at the time of issuing notice in



W.P.(Crl.) 728/2024, oral observations were made by this Court expressing reservations on point of grant of parole, considering the offences in which the petitioner is involved. However, the petitioner/counsel for petitioner appears to have resorted to Bench Hunting by filing another writ petition without disclosing particulars of earlier writ petition and overreach the process of law, by suppression of facts.

6. In exercising the power of writ jurisdiction, the conduct of the party invoking such jurisdiction is crucial and in case of suppression of facts and misleading the Court, the petition may be summarily dismissed, even without entering into merits of the case. This rule has been developed in larger public interest to desist and deter the unscrupulous litigants from abusing the process of Court by deceiving it.

7. The petitioner has approached this Court with unclean hands and resorted to Bench Hunting by suppressing filing of earlier writ petition. In the facts and circumstances, no grounds are made out for any relief in the writ petitions. Taking lenient view in the matter, this Court is not imposing the cost on the learned counsel for the petitioner but strongly deprecates and disapproves the practice adopted by the petitioner/counsel for petitioner. The writ petitions are accordingly dismissed. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

MARCH 11, 2024/v