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

+ **CRL.M.C. 932/2021**

HITENDRA TOMAR

.....Petitioner

Through: Mr. Medhanshu Tripathi and
Mr. Harish Sharma, Advocates.

versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Yudhvir Singh Chauhan, APP for
State with Inspector Neeraj Kumar,
PS: Sagarpur and SI Kishor Prasad,
PS: V. K. North.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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10.07.2024

CRL.M.A. 19925/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 932/2021 & CRL.M.A. 19924/2024

1. Petition under Section 482 Cr.P.C. has been preferred on behalf of petitioner for quashing of chargesheet in FIR No. 0244/2014, under Sections 323/341 IPC, registered at PS: Vasant Kunj (North). Sections 325/341/451/452/506 IPC were subsequently invoked.

CRL.M.A. 19924/2024 under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for placing additional documents on record.

2. Learned counsel for petitioner submits that FIR No. 0243/2014 dated



29.03.2014, under Section 308IPC, was registered at PS: Vasant Kunj (North), at instance of petitioner, since he had sustained injuries, after being summoned to the spot on receiving a call from Police. Thereafter, the present FIR No. 0244/2014 dated 30.03.2014 was falsely lodged at instance of accused as cross-case to FIR No. 0243/2014 lodged by petitioner, after gap of about 9 hours, in collusion with the Police. He further submits that petitioner is a whistle blower and had made complaints of unauthorized construction, against mafias. Further, petitioner also filed writ petition No. 5926/2013 in this regard.

3. Admittedly, FIR Nos. 0243/2014 and 0244/2014 are cross cases and are required to be taken up together by the Court. It may not be feasible to express opinion on merits at this stage, since chargesheet has been filed in both the FIR's after investigation.

4. Learned counsel for petitioner seeks permission to withdraw the petition, at this stage with liberty to address arguments on the point of charge before the learned Trial Court and file appropriate proceedings, if any, if petitioner is aggrieved against framing of charge. Petitioner also seeks liberty for initiating proceedings against defaulting officials in the light of finding on charge.

5. Taking the statement of learned counsel for petitioner on record, petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

Next date of hearing, i.e. 09.08.2024 stands cancelled.

ANOOP KUMAR MENDIRATTA, J.

JULY 10, 2024/R