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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
(23)+ CRL.M.C. 2032/2022 & CRL.M.A. 8642/2022
(24) CRL.M.C. 2033/2022 & CRL.M.A. 8644/2022

BHUPENJIT SINGH SETHI & ANR.

..... Petitioners

Through: Mr.Manoj Chauhan, Mr.Ujjwal
Singh Parmar & Ms.Neha Raj
Singh, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Ms.Priyanka Dalal, APP.
SI Sandeep, PS Malviya Nagar.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **29.01.2024**

1. These petitions seek quashing of FIR No. 0065 of 2021 and FIR No. 0098 of 2020 registered with Police Station: Malviya Nagar, South-District, New Delhi, both under Section 174A of the Indian Penal Code, 1860 (in short, 'IPC').

2. The petitioners had been declared as Proclaimed Offenders by the order dated 02.07.2019 passed by the learned Metropolitan Magistrate-01, South District, Saket District Courts, New Delhi in CC Nos. 14307/2019 and 14309/2018, both titled as *Three Aces Global Logistics Pvt. Ltd. v. Jai Amrit Exports Pvt. Ltd. and Ors.*

3. The learned counsel for the petitioners submits that the address of the petitioners mentioned in the above Complaint Cases was incomplete and incorrect. The correct address of the petitioners is



mentioned in “Annexure P-2” annexed with the present petition. He further submits that, in any case, on gaining knowledge of the filing of the above Complaint Cases, the petitioners have duly paid the amount of the cheques to the respondent no.2, and for the failure of the respondent no.2 to appear in the Complaint Cases, the same have been dismissed in default vide order dated 27.02.2023 passed by the learned Metropolitan Magistrate. He submits that to the knowledge and belief of the petitioners, no application seeking its restoration or challenging the order has been filed by the respondent no. 2 till date. He submits that even pursuant to the notice issued by this Court, though respondent no.2 appeared on one occasion, it has not filed any reply contesting the present petitions.

4. The learned APP submits that as the petitioners had been declared Proclaimed Offenders in compliance with the orders passed by the learned Metropolitan Magistrate, FIR(s) have been registered.

5. In my view, as the Complaint Cases itself have now been dismissed in default on the ground that the petitioners have made the payment of the cheque amount and the respondent no.2 does not appear to be interested in pursuing the Complaint Cases against the petitioners, no useful purpose would be served in keeping the FIR(s) alive. However, for the non appearance of the petitioners, the petitioners must also be burdened with some costs.

6. Accordingly, the petitions are allowed. FIR No. 0065/2021 and FIR No. 0098 of 2020 registered with Police Station: Malviya Nagar, South-District, New Delhi under Section 174A of the IPC and all consequential proceedings emanating therefrom against the petitioners



are quashed, subject to the condition that the petitioners deposit costs of Rs.20,000/- each with the Delhi State Legal Services Authority within a period of two weeks from today. The costs so deposited shall be utilised by the Delhi State Legal Services Authority for providing support to the Acid Attack Victims requiring such assistance.

7. The petitioners shall file, with the Registry of this Court, proof of deposit of the above costs and also supply a copy thereof to the concerned IO, within the abovesaid period.

8. The petition is disposed of the above terms.

NAVIN CHAWLA, J

JANUARY 29, 2024/rv/ss

Click here to check corrigendum, if any