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

+ **CRL.M.C. 3176/2024**

STATE GNCT OF DELHI

.....Petitioner

Through: **Ms. Richa Dhawan, APP for the State**

versus

VARUN RATTAN

.....Respondent

Through: **None**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

12.09.2024

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1. The petition has been filed under Section 482 Cr. P.C for setting aside the impugned Order dated 22.05.2023 of the learned ASJ in FIR No.44/2015 dated 23.02.2015 under Section 420/120B IPC, P.S. Chanakya Puri vide which the learned ASJ has discharged the respondent in the said FIR.

2. The case of the prosecution is that on 23.02.2015 a complaint was received from Assistant Regional Security Officer, Regional Security Office, US Embassy, New Delhi with the subject "United States visa Application Fraud". It was stated therein that on 04.02.2015 the respondent Varun Rattan had applied for a non-immigrant Visa at United States Embassy in New Delhi. He stated that he was born on 15.03.1988 in New Delhi and presented his Indian Passport No.F6888721 as proof of Identity and gave his address as A2/111, Safdarjung Enclave, New Delhi. He also disclosed that he



was working as a Marketing Manager of Grade One Events Pvt. Ltd. at 752, LGF, Mathura Road, Bhogal, New Delhi.

3. On 23.02.2015, he went to the United States Embassy for interview with the Embassy officials. During the interview, he admitted that he was not working for Grade One Events Pvt. Ltd. and he never worked for the said Company as disclosed in his Visa Application Form. He also stated that the Visa Form was filed by one individual Pradeep and that he had paid Rs.5,000/- to him for completing his Visa Application Form and for coaching.

4. Seizure memo dated 01.03.2015 was prepared and the requisite form was seized. One printout of e-mail dated 15.01.2015 sent by Sh. Pradeep to accused (Respondent), was also obtained wherein it was indicated that 'original Appointment Confirmation' and 'NOC' from employer in original on their Official Letter head stating Designation of the Employee and period of employment, was also required to be carried.

5. On investigation, chargesheet under Sections 420/120B IPC was filed against the respondent on 20.02.2019.

6. The learned Trial Court vide Order dated 26.03.2021 observed that the respondent had voluntarily disclosed that he was not working with the Company and no wrongful loss or gain has been caused to anybody. No offence was held/disclosed under Section 420 IPC and the respondent was discharged.

7. The State preferred Revision under Sections 397/399 Cr.P.C. before the learned ASJ who also dismissed the Revision vide Order dated 22.05.2023 and upheld the Order of learned MM.



8. The impugned Order has been challenged by the State on the ground that the learned Court ignored the statement of the respondent to the embassy official in an extra judicial confession which is sufficient to bring charges against him. The contents of the complaint have been ignored wherein it had been specifically stated that respondent had submitted the Visa Application disclosing incorrect facts about his employee. It is the respondent who was the beneficiary of the entire transaction.

9. It is claimed that respondent had hatched a conspiracy with Pradeep in submitting a forged Visa Application Form. Reliance has been placed on *Dalip Kaur and others vs. Jagnar Singh and another, 2009 (14) SCC 696, Narinder Kumar Sikka v. State, Crl. Rev.No.475/2015.*

10. It is submitted that the settled law that the object of framing of charges have been overlooked for which reliance has been placed on *Sheoraj Singh Ahlawat & Ors. vs. State of U.P. & Anr. 2013 Cri.LJ 331; P. Vijayan v. State of Kerala and Another, (2010) 2 SSC 398; State vs. A. Arun Kumar and Another, 2015 (2) SCC 417 and Sonu Gupta v Deepak Gupta &Ors. (2015) 3 SCC 424.*

11. The prayer has been made that the impugned order against the accused be set aside.

12. **Submissions heard.**

13. The entire case of the prosecution is that the respondent who intended to obtain a Visa for US Embassy, had approached one Pradeep Kumar and had paid him Rs. 5000/- for filling in his Visa Application and submitting it to the US Embassy.



14. The Application was duly in which it was stated that he was working in a Company. He was called for an Visa interview wherein he, on query, stated that he was not employed as disclosed in his Visa Application Form. There is nothing to show this Declaration in the Visa Form, had been filed by the respondent or on his instructions; rather he in his interview disclosed the true facts and no attempt was made to mislead or derive any benefit by giving wrong information.

15. Pertinently, Pradeep who had allegedly submitted the Visa Form on behalf of the respondent, is not traceable in the entire charge-sheet, nor is there any word spoken about the role of Pradeep.

16. The learned MM had rightly observed that the requisite *mens rea* i.e dishonest information and knowledge are missing in the entire case of the prosecution. It can also not be said that the Complainant was cheated or even an attempt was made to cheat. The learned ASJ has rightly endorsed the finding of the Learned MM in upholding the discharge of the respondent.

17. There is no merit in the petition, which is hereby dismissed with the pending application, if any.

NEENA BANSAL KRISHNA, J

SEPTEMBER 12, 2024/PU