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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 3784/2022 & CRL.M.A. 23574/2023
SANT PRAKASH & ORS. Petitioners
Through: Mr.Vibhu Tyagi, Mr.Harsh
Sharma, Advs. for P-2,4,5,6.

versus

STATE & ANR. Respondents
Through: Mr.Aman Usman, APP with
SI Amit Beniwal.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
01.03.2024

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1. This petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (in short, 'Cr.P.C.') seeking quashing of the FIR No.0255/2021 registered with Police Station: Vivek Vihar, Shahdara-District, Delhi under Sections 188/283/34 of the Indian Penal Code, 1860 (in short, 'IPC') and Section 51(b) of the Disaster Management Act, 2005 (in short, 'DM Act').
2. It is the case of the prosecution that on 15.06.2021, the petitioners were found to be sitting in a tent in front of Gate no.1 of Vivekanand Mahila College, Delhi, which was against the directions issued by the Government of India and the order issued by the ACP, Vivek Vihar dated 14.06.2021 during Covid-19 pandemic. On enquiry, they could not provide any permission for the said activity. Accordingly, the petitioners were charged for offence under Sections 188/283/34 of the IPC read with Section



51 (b) of the DM Act.

3. The learned counsel for the petitioners submits that the petitioners had been unlawfully removed / terminated from their services in April, 2021 by their College, and being aggrieved of the said action of the college, they were protesting against the same. The learned counsel for the petitioners submits that subsequently, by an order dated 18.06.2021 passed by the Assistant Registrar (Colleges), University of Delhi, they were reinstated in the service.
4. Looking into the peculiar facts of the present case, I find that no useful purpose shall be served in continuing with the proceedings of the present FIR, and continuation of the proceedings against the petitioners, who are teachers/lecturers, would be against the interest of justice. Though the restrictions on assembly of persons were necessary to prevent spread of Covid 19 pandemic, at the same time, the petitioners were fighting for their livelihood.
5. Accordingly, the FIR No.0255/2021 registered with Police Station: Vivek Vihar, Shahdara-District, Delhi under Sections 188/283/34 of the IPC and Section 51(b) of the DM Act and all consequential proceedings emanating therefrom against the petitioners are quashed, however, subject to petitioners doing some Community Service.
6. As the petitioners are teachers/lecturers, they all shall do community service for a period of one month each, post their working hours in the College or place of work. In this regard, the petitioners are directed to report to Mr.Krishan Kumar, Director,



Women and Child Development, Government of NCT of Delhi, (Phone No.+91-9868233033), who shall act as a Nodal Officer and assign the mode and manner of the community service to be done by the petitioners for the above said duration.

7. On successful completion of the period of Community Service, a report of compliance shall be filed by the petitioners, on their respective affidavit(s) along with the certificate from the Nodal Officer, within three months from today. In case the petitioners do not comply with the above condition, the Nodal Officer shall file a report of non-compliance before this Court and the Registry is directed to list this petition before this Court for further orders.
8. The petition and the pending application are disposed of in the above terms.
9. A copy of this order be sent to the Nodal Officer mentioned herein above.

NAVIN CHAWLA, J

MARCH 1, 2024

RN/ss

Click here to check corrigendum, if any