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

+ **W.P.(CRL) 2323/2024 & CRL. M.A.22705/2024**

KAMAL KISHORE KHULLAR & ORS.Petitioners

Through: Mr. Digvijay Kumar, Mr. Sandeep
Deshwal, Advocates with petitioner in
person.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent

Through: Mr. Sanjeev Bhandari, ASC (Crl.) for
the State with Ms. Anvita Bhandari,
Ms. Charu Sharma, Mr. Arjit Sharma
and Mr. Vaibhav Vats, Advocates
with SI Sahil PS Karol Bagh, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

02.08.2024

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1. By way of present petition filed under Articles 226 and 227 of the
Constitution of India, the petitioners seek the following prayers:

*“...a). Issue the appropriate writ/directions to the Respondents
No.5 to 7 to give an explanation about the execution of alleged
MOU dated 14.06.2019 between the Petitioners and Respondents
No.2 to 4 as to how and under what circumstances the said MOU
dated 14.06.2019 has been executed even when the Petitioners
No.1 and 2 were in the police custody as well as judicial custody
since 13.06.2019 to 17.06.2019.*

*b) Issue the appropriate writ/direction to the effect that the
alleged MOU dated 14.06.2019 allegedly executed between the
Petitioners and Respondent No.2 to 4 is totally irrelevant in the
proceedings of the case vide FIR No. 360/2017 u/s 420/34 IPC,
P.S. Karol Bagh, New Delhi.*

*c). Issue the appropriate directions to the Respondents No.5 to 7
to register a case against the Respondents No.2 to 4 for creating*



a false forged and fabricated documents i.e. alleged MOU dated 14.06.2019 with intention to use it and produced it before the court in the judicial proceedings, under the relevant sections of Bhartiya Nyay Saanhita 2023”.

2. The petitioners are accused in FIR No.360/2017 registered under Sections 420/34 IPC at PS Karol Bagh, New Delhi. Learned counsel for the petitioners contends that the petitioners are aggrieved by the fact that the MoU dated 14.06.2019 was never in their knowledge till the charge-sheet came to be filed.
3. The instant petition is vehemently resisted by Mr. Sanjeev Bhandari, learned ASC (Crl.) appearing for the State who submits that not only the said MoU bears the signatures of the present petitioners, the contentions raised on behalf of the petitioners are also misleading. He submits that considering the execution of MoU, the petitioners were admitted to bail. The said bail order is also annexed with the present petition. He submits that the MoU was also acted upon inasmuch as a sum of Rs.11 lacs was paid in terms of the MoU. He further submits that the respondents thereafter filed an application seeking cancellation of bail on the ground that the petitioners were not adhering to their obligation under the said MoU. The application came up before the concerned Court on 01.08.2023, where, in the presence of the petitioners, the said application was dismissed. It is thus stated that the MoU was always in the knowledge of the petitioners. He submits that the charge-sheet is yet to be filed.
4. I have heard learned counsels for the parties and have also gone through the record.
5. The MoU is dated 14.06.2019 and the petitioners contention that the



said MoU was never in their knowledge is not only highly belated but also patently misleading. The reading of orders dated 16.06.2019 and 01.08.2023 would show that the execution of the MoU was always in the knowledge of petitioners. Pertinently, the petitioners have not denied their signatures on the MoU. They only claim that the MoU was never in their knowledge.

6. Considering all of the aforesaid facts and circumstances, the present petition filed by the petitioners raising such a contention is liable to be dismissed with costs.

7. The petition along with pending application is accordingly dismissed with cost of Rs.10,000/- to be deposited by the petitioners with the Delhi State Legal Services Authority within a period of two weeks from today. The amount so deposited shall be utilized by the Delhi State Legal Services Authority for providing counselling/psychological support to POCSO victims requiring such assistance.

8. Proof evidencing receipt of deposit shall be filed with the I.O.

9. A copy of this order be communicated to the Member Secretary, Delhi State Legal Services Authority for intimation.

10. In case proof of deposit of cost is not filed within two weeks, the IO shall be at liberty to move an appropriate application in this regard.

MANOJ KUMAR OHRI, J

AUGUST 2, 2024/rd