



\$~70

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

+ **BAIL APPLN. 2736/2024**

PRAVEEN MOHAMMAD

.....Petitioner

Through: Mr. Brahm Kr. Pandey, Adv, Mohd.
Zahid, Mr. Sunil Kumar Tiwari,
Adv.

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for the State
with SI Rahul Garg, ARSC/Crime
Branch

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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05.08.2024

CRL.M.A. 22876/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

BAIL APPLN. 2736/2024

1. The present bail application has been moved under Section 482 Cr.P.C. seeking a grant of anticipatory bail in case FIR No. 87/2024 registered at PS C. R. Park, under Sections 379/356/34 IPC.
2. Learned counsel for the petitioner submits that the case was registered on the statement of Sh. Deba Dutta Sinha on 04.04.2024 regarding the chain snatching. Learned counsel submits that the Nazakat and Taufiq have already been arrested and the recovery of the chain has already been effected. Learned counsel submits that the petitioner has no



connection with the offence committed in the present case. It has been stated that the only because the petitioner is mother of the Nazakat, the police is trying to arrest her. Learned counsel submits that the learned Trial Court has fallen into error.

3. Issue notice.
4. Learned APP for the State has accepted the notice.
5. Learned APP for the State has opposed the bail application vehemently. It has been submitted that in fact there is whole gang of chain snatching which is operating in Delhi and there are around 10-12 incidents of chain snatching every day.
6. Learned APP for the State further submits that there are several persons who are the part of the gang which includes some jewelers also. Learned APP for the State further submits that after the snatching of the chain, it is routed through the present petitioner for the purpose of selling it to the jewelers. It has been submitted that the petitioner is the main person who is running the gang. It has been submitted that there are money transactions between the accused persons as well with the jewelers. It has been submitted that the CDR is also present on record showing the connection between the accused persons.
7. The jurisdiction of anticipatory bail is to be exercised sparingly. The criteria used to evaluate an accused person's conduct when considering a plea for anticipatory or pre-arrest bail are not fixed and it depends on the specific facts of each case. Each case would have its own unique circumstances and that no comprehensive guidelines can be laid down. In *Central Bureau of Investigation vs. Santosh Karanani & anr.* 2023(3) RCR (Criminal) 213, it was inter-alia held as under:



“24. The time-tested principles are that no straitjacket formula can be applied for grant or refusal of anticipatory bail. The judicial discretion of the Court shall be guided by various relevant factors and largely it will depend upon the facts and circumstances of each case. The Court must draw a delicate balance between liberty of an individual as guaranteed under Article 21 of the Constitution and the need for a fair and free investigation, which must be taken to its logical conclusion.....Regardless thereto, when the Court, on consideration of material information gathered by the Investigating Agency, is prima facie satisfied that there is something more than a mere needle of suspicion against the accused, it cannot jeopardize the investigation,...”

(Emphasis Supplied)

8. In the present case the status report filed before the learned ASJ indicates that a whole gang is operating at the state level for chain snatching. The stolen goods are then divided into many parts and then sold to different jewelers. The status report indicates that the petitioner is one of the main people of the gang and there are evidences to prove the money transactions. It is necessary to curb such types of gangs from operating. The offence may seem to be not that serious on the face of it but the volume of the same is such that requires thorough investigation. A Court cannot be expected to turn Nelson's eye to the antecedents of an accused while dealing with a petition for grant of anticipatory bail. The Court has also to take into account the numerous such types of incidents happening on a daily basis. It creates a sense of fear amongst the citizens. A thorough investigation is necessary to unearth such gangs and to inspire the faith and confidence of people.
9. In view of the aforementioned discussion, the present application filed by applicant Praveen Mohammad for grant of pre-arrest/anticipatory



bail in case FIR No. 87/2024 registered at PS C. R. Park, under Sections 379/356/34 IPC, is dismissed.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

DINESH KUMAR SHARMA, J

AUGUST 5, 2024

Pallavi/HT



\$~34 and 35

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

+ CRL.A. 1191/2016
RAVI SHANKAR MISHRAAppellant
Through:

versus

STATE (GOVT. OF NCT OF DELHI)Respondent
Through: Mr. Satish Kumar, APP for the State
with SI Navdeep PS Mandawali.

CRL.A. 151/2017
SANTOSH KUMAR GUPTAAppellant
Through: Mr. Abhimanyu Shamra, Adv.(VC)

versus

STATE (GOVT. OF NCT DELHI)Respondent
Through: Mr. Satish Kumar, APP for the State
with SI Navdeep PS Mandawali.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

% **ORDER**
05.08.2024

At joint request, the matter is adjourned to 05.02.2025.

DINESH KUMAR SHARMA, J

AUGUST 5, 2024

Pallavi/NA



\$~14

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

+ **CRL.A. 356/2022**

RAM KUMAR

.....Appellant

Through: Mr.Sushant Sagar, Mr. Hemant
Singh, Advs. (DHCLSC)

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Raghuvinder Varma, APP for the
State with SI Mahendra Patil, PS
Narela

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

07.08.2024

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CRL.M.(BAIL) 1164/2024 in CRL.A. 356/2022

1. The present application has been moved seeking suspension of sentence. The appellant is convicted for the offence under Section 307 IPC vide order dated 16.03.2022 and sentenced for S.I. for 7 years plus a fine of Rs.50,000/- I/D of payment, S.I. for one month vide order dated 17.05.2022.
2. As per the nominal roll dated 24.05.2024, the appellant has undergone custody of 2 years 9 months. The appellant has earned the remission for 7 months. Therefore, the un-expired portion remains to be around 3 years. The appellant has undergone 50% of the sentence. The conduct of the appellant has been satisfactory in the jail. The bail granted earlier has not been misused by the appellant. Further the appellant is stated to be not involved in any other case.



3. In '*Sonadhar v. State of Chattisgarh*' [2021 SCC OnLine SC 3182] as well as '*Saudan Singh v. The State of Uttar Pradesh*' [2021 SCC OnLine SC 3259], the Supreme Court has observed that bail applications for suspension of sentence may be considered once the appellant has undergone 50% of their sentence prescribed. In Saudan Singh (supra) the Supreme Court inter-alia held as under:

“Para 7. We may note that there may be even convicts in custody in cases other than life sentence cases and in those cases again the broad parameter of 50 per cent of the actual sentence undergone can be the basis for grant of bail.”

4. I am of the opinion that the appeal in the present case is of the year 2022 and there is no likelihood of the appeal being heard in the near future. If the sentence of the appellant is not suspended, it could very well be that he would have undergone the entire sentence without his appeal having been heard leaving the remedy of filing the appeal as a mere paper formality.
5. Taking into account the period of incarceration, the sentence is suspended subject to the deposit of fine of Rs 50,000/- (Rupees Fifty thousand/-) and on furnishing a personal bond of Rs.20,000/- with one surety of the like amount to the satisfaction of the concerned learned trial court, subject to the appellant providing his mobile number at the time of furnishing the bail bond, and also subject to the following further conditions:
- (i) The appellant shall remain available on his mobile number which he undertakes to keep operational during the pendency of the present appeal.



- (ii) The appellant shall further remain in touch telephonically with police officer in-charge on his mobile number on the first Monday of every month.
 - (iii) The appellant shall regularly appear before the Court as and when the appeal is taken up for hearing and shall not leave the country without the permission of the learned Trial Court.
 - (iv) In the event of a change of his residential address/ contact details, the appellant shall promptly inform the same to the concerned police officer in-charge and the court.
 - (v) Appellant shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant/victim's family in any manner or temper with the evidence of the case.
6. With the above directions, the application is disposed of.
7. A copy of this order be sent to concerned Jail Superintendent for information and compliance.

DINESH KUMAR SHARMA, J

AUGUST 7, 2024

Pallavi/HT



\$~5

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

+ **BAIL APPLN. 2430/2024**

RENU KUMARI

.....Petitioner

Through: Mr. R.M. Asif, Mr. Mateen Ahmad,
Mr. Shahid Azad, Ms. Komal Kumar,
Ms. Meenu Shukla, Ms. Reeya
Singh, Advs.

versus

STATE OF NCT DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for the State
W/SI Mukesh Kumair, PS R. K.
Puram

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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CRL.M.A. 20461/2024 (exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 2430/2024

1. The present petition has been filed seeking regular bail in case FIR No. 079/2023 registered at PS RK Puram under Sections 342/34/326/323/324 IPC read with Section 6/10/12/21 of POCSO Act, and Sections 75/80 of JJ Act, 2015.
2. Learned counsel for the petitioner submits that the petitioner is in custody since 16.02.2023. It has been submitted that the chargesheet has already been filed.. It has further been submitted that the petitioner's spouse is battling stage IV Cancer and is undergoing treatment at AIIMS Delhi.



3. Learned counsel also submits that the part examination of the prosecutrix has already been conducted and now the case is fixed for cross examination of prosecutrix on 12.09.2024.
4. Issue notice.
5. Learned APP for the State has accepted the notice and seeks time to file the status report.
6. Let status report be filed.
7. Learned APP for the State states that the prosecutrix has not been made the party.
8. Let prosecutrix be impleaded as respondent No.2. Let amended memo of parties be filed.
9. Issue notice to the prosecutrix/victim through all permissible modes, returnable on 23.09.2024.
10. Learned Trial Court is directed to complete the cross examination on 12.09.2024.
11. In the meantime, Nominal Roll be called from the concerned Jail Superintendent before the next date of hearing.
12. Let TCR be requisitioned in digital format before the next date of hearing.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~6

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

+ **BAIL APPLN. 2452/2024**

SURESH KUMAR GUPTA

.....Petitioner

Through: Mr. Kedar Yadav, Adv.

versus

STATE OF DELHI

.....Respondent

Through: Mr. Raghuvinder Varma, APP for the
state SI Rajak Ahmad, PS Sangam
Vihar

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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CRL.M.As. 20581-82/2024(exemptions)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 2452/2024

1. The present petition has been filed seeking regular bail in case FIR No. 69/2022 registered at PS Sangam Vihar under Sections 376/354/498A/406 IPC.
2. Learned counsel for the petitioner submits that the petitioner is in custody since 20.01.2023. The petitioner is father in law of the complainant. It was submitted that in fact it was a matrimonial dispute. Learned counsel submits that there was a 22 days delay in lodging the FIR. It has also been submitted that the complainant and the mother has already been examined.
3. Issue notice.
4. Learned APP for the State has accepted the notice.



5. Let status report be filed.
6. Learned APP for the State states that the prosecutrix has not been made the party.
7. Let prosecutrix be impleaded as respondent No.2. Let amended memo of parties be filed.
8. Issue notice to the prosecutrix/victim through all permissible modes upon taking steps by the petitioner, returnable on 05.09.2024.
9. In the meantime, Nominal Roll be called from the concerned Jail Superintendent before the next date of hearing.
10. Let TCR be requisitioned in digital format before the next date of hearing.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~7

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

+ **BAIL APPLN. 2569/2024**

VISHAL SOLANKI

.....Petitioner

Through: Mr. Sandeep Sharma, Mr. Sarthak Mannan, Mr. Amit Choudhary, Ms. Konika Mitra, Mr. Hemant Verma, Mr. Ajay Solanki, Mr. Mayank Varma, Advs

versus

STATE (THROUGH NCT OF DELHI)

.....Respondent

Through: Ms. Priyanka Dalal, APP for the State
Mr.Prashant Godara

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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CRL.M.A. 21416/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 2569/2024

The present bail application has been filed seeking anticipatory bail in case FIR No.0314/2024 registered under Sections 376/506/34 IPC at PS Palam Village, Delhi.

Learned APP for the State submits that the status report is ready but could not be filed.

Let the status report be placed on the record.

Copy of the same be supplied to the learned counsel for the petitioner.

List on 25.09.2024.



In the meantime, the interim protection be granted to the petitioner.

Learned counsel for the petitioner undertakes that they will move the appropriate application before the learned Trial Court for recall of process under Section 82 Cr.P.C.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~8

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

+ **CRL.A. 433/2022**

NAEEM

.....Appellant

Through: None.

versus

THE STATE

.....Respondent

Through: Mr. Raghuvinder Varma, APP for the
state SI Antriksh Rathi, PS
Mandawali

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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CRL.M.(BAIL) 1085/2022 in CRL.A. 433/2022

The present application has been filed for suspension of sentence.

Let fresh nominal roll be called from the concerned Jail
Superintendent before the next date of hearing.

List on 08.10.2024.

As per order dated 27.05.2024 the appellant has surrendered on
27.02.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~18

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

+ **CRL.M.C. 3435/2024, CRL.M.A. 13194/2024**

NARESH CHAND

.....Petitioner

Through: Mr. Uma Shankar Gautam, Ms.
Varsha Rani, Advs

versus

THE STATE NCT OF DELHI AND ANR.Respondents

Through: Mr. Digam Singh Dagar, APP for the
State

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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Learned counsel for the petitioner submits that a petition bearing CRL.M.C.7507/2023 titled Pooja Behl v. Delhi Swastik Cooperative Urban Thrift and Credit is pending before the Co-ordinate Bench of Hon'ble Mr. Justice Manoj Kumar Ohri and is now fixed for 09.10.2024.

List the matter before the Hon'ble Mr. Justice Manoj Kumar Ohri on 09.10.2024 subject to the orders of Hon'ble the Acting Chief Justice.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~20

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

+ **CRL.M.C. 5385/2024, CRL.M.A. 20625/2024**

KAILASH AND ORS

.....Petitioners

Through: Ms. Surjit Kaur Bhatti, Advs. with
petitioners

versus

STATE NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Digam Singh Dagar, APP for the
State with SI Lalit Kumr, PS
Bindapur
Ms. Avinash Kaur, Adv for
Respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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1. The present petition has been filed under section 482 Cr. PC seeking quashing of FIR No.125/2021 registered at Binda Pur, Delhi under Sections 498A/406/34 IPC.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 18.04.2017 in accordance with the Hindu Rites and Ceremonies and no child was born out of the said wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately and instituted multiple litigations against each other and their respective families including the present FIR.
3. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably, and in



furtherance thereof, they have entered into a settlement vide agreement dated 12.12.2023 at Mediation Centre, Dwarka Courts.

4. As per the settlement it has been agreed between the parties that the petitioner shall pay Rs.65,000/- as full and final settlement of the entire dispute to respondent no. 2/complainant.
5. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 28.03.2024 before the learned Principal Judge, Family Courts (HQs), South West, Dwarka Courts, Delhi.
6. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No.125/2021 registered at Binda Pur, Delhi under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom.
7. I have gone through the settlement dated 12.12.2023 at Mediation Centre, Dwarka Courts which has been placed on record. The settlement agreement provides for the following terms and conditions:

a) The complainant/wife and the respondent/husband shall seek divorce by mutual consent.

b) The respondent/husband shall pay a sum of Rs. 65,000/- (Rupees sixty five thousand only) only) to the complainant/wife towards full and final settlement of all her claims regarding permanent alimony, stridhan and maintenance (past, present and future) in three installments as under :-

(i) First installment of Rs.25,000/- (Rupees twenty five thousand only) shall be paid by the respondent/husband to the complainant/wife by way of cash/DD at the time of



recording of their joint statement in the first motion petition u/s.13-B(1) of HMA, which shall be jointly filed by them within on or before 07.01.2024.

ii) Second installment of Rs.25,000/- (Rupees twenty five thousand only) shall be paid by the respondent/husband to the complainant/wife by way of cash/DD at the time of recording the statement in second motion petition. Both the parties shall move second motion petition for divorce u/s 13 B (2) of HMA, within the statutory period or any time sooner as per law.

III) The respondents Sh. Kailash, Smt. Rajmati arid Sh. Ram Niwas shall move appropriate petition for quashing of FIR No.125/2021 u/s 498A/406/34 IPC PS Binda Pur titled as State Vs. Kailash & Ors. before the Hon'ble High Court of Delhi which shall be filed within one month of allowing the second motion petition. The complainant shall appear before the Hon'ble High Court of Delhi and cooperate in the said proceedings including signing of affidavit/NOC. Respondents shall pay the balance amount of Rs.15,000/- (Rs. Fifteen thousand only) to the complainant at the time of recording the statement of complainant before Hon'ble High Court for quashing of the said FIR.

c) In case the respondent/husband does not turn up for the second motion, the amount already paid by the respondent/husband during first motion shall be forfeited by the complainant/wife.

In case the complainant/wife does not turn up for the second motion she shall be liable to return the double amount received by her from the respondent/husband during first motion.

6. The complainant/wife shall withdraw the connected case within fifteen days after recording of the statement in second motion petition.

7. It is further agreed between the complainant/wife and the



respondents that they would not file any case in future against each other and/or their respective family members in connection with this marriage. Both the parties will not be left with any grievance against each other as well as their respective families. Both parties shall not contact the either of the family members, relatives, friends, acquaintance nor shall make any defamatory remarks against each other,

8. Both the parties shall make appropriate statements before the concerned court and shall cooperate with each other in all the legal proceedings, so as to give effect to this settlement.

9. In case any party does not abide by the terms and conditions of this settlement, the other party shall be at liberty to take appropriate action as per law.

10. The parties shall be bound by the terms and conditions as mentioned above.

11. Both the parties shall bear their respective cost of litigation.

12. By signing this settlement, both the parties state that they have no further dispute against each other in respect of the present case and the above mentioned connected cases and all the disputes and differences in this regard have been amicably settled by them during the mediation

8. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non- compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Supreme Court and this Court have repeatedly



held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached an amicable settlement. Reliance may be placed upon: *B.S. Joshi v. State of Haryana*, (2003) 4 SCC 675; *K. Srinivas Rao v. D.A.Deepa*, (2013) 5SCC 226; *Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another*, 2019 SCC OnLine Del 8179.

9. Both parties are present in court and have duly been identified by the IO. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. Respondent No 2 submits that she has received the entire amount as per the settlement. Respondent No. 2 submits that since the marriage between the parties has also been dissolved, she has no objection if FIR No.125/2021 registered at Binda Pur, Delhi under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom are quashed.
10. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.
11. In view of the above, FIR No.125/2021 registered at Binda Pur, Delhi under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom are quashed.



12.The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024/Pallavi/KR



\$~21

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

+ **CRL.M.C. 5407/2024, CRL.M.A. 20703/2024**

ANANYA CHAUDHARY

.....Petitioner

Through: Mr. Navish Bhati, Mr. Vikram Singh
Balal, Mr. Nikhil Beniwal, Advs

versus

THE STATE GOVT OF OF NCT DELHI & ANR.Respondents

Through: Mr. Satish Kumar, APP for the State
with W/SI Rima Raj, PS Dwarka
North

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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Learned APP for the state seeks time to file the status report.

Let status report be filed.

Respondent No.2 be served through IO, returnable on 03.02.2025.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~22

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

+ **TR.P.(CRL.) 65/2021**

MUKESH KUMAR

.....Petitioner

Through: None.

versus

STATE N.C.T OF DELHI & ANR

.....Respondents

Through: Mr. Satish Kumar, APP for the State

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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None has appeared for the petitioner for the last two dates. Hence, the present petition stands dismissed in default of non prosecution.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~50

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

+ **BAIL APPLN. 2796/2024**

MOHD. SIRAJUDEEN @ M. MOHAMED SIRAJUDEEN

.....Petitioner

Through:

versus

STATE (EOW SOUTH-EAST) GOVT. OF NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for the state

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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08.08.2024

CRL.M.A. 23421/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 2796/2024

1. The present bail application has filed under Section 483 Cr. PC seeking regular bail in case FIR No. 185/2017 registered at PS Okhla Industrial Area PS EOW South West, under Sections 406/420/467/468/120B/34 IPC.
2. Learned counsel for the petitioner submits that the petitioner was not initially named in the FIR. However, later on the basis of statement of co-accused Sirajuddin, the petitioner was arrested. Learned counsel submits that the petitioner is in the custody since 14.03.2024 and he has various health issues. Learned counsel further submits that the charge sheet has been filed.
3. Issue notice.



4. Learned APP for the State accepts notice and seeks time to file the status report.
5. Let status report be filed.
6. List on 23.09.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~51

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

+ **BAIL APPLN. 2806/2024**

FRANCIS OGADINMA IROEGBU

.....Petitioner

Through:

versus

STATE (NCT OF DELHI)

.....Respondent

Through: **Ms. Priyanka Dalal, APP for the state**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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CRL.M.A. 23549/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

BAIL APPLN. 2806/2024

1. The present bail application has filed under Section 483 Cr. PC seeking regular bail in case FIR No. 528/2021 registered at PS Mohan Garden under Sections 420/468/471 IPC, section 21 NDPS Act read with Section 14A Foreigner's Act.
2. Learned counsel for the petitioner submits that the petitioner is in the custody since 22.09.2021 and the charge sheet has been filed. Learned counsel submits that there are discrepancies in the FIR and the accused has been implicated falsely. It has been submitted that the out of 28 witnesses, 8 witnesses have already been examined.
3. Issue notice.
4. Learned APP for the State accepts notice and seeks time to file the



status report.

5. Let status report be filed.
6. Let LCR be requisitioned in the digital format before the next date of hearing.
7. List on 24.09.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~52

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

+ **CRL.A. 108/2021**

KAMAL SHARMA & ORS.

.....Appellants

Through:

versus

STATE (NCT DELHI)

.....Respondent

Through: **Mr. Digam Singh Dagar, APP for the
State**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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CRL.M.A. 23529/2024 in CRL.A. 108/2021

1. The present application has been moved under Section 482 Cr. PC seeking permission for renewal of the passport of the appellant i.e. Brij Mohan Sharma. It has been stated that the appellant has been convicted in the Session Case No.379/2017 arising out of FIR No.1636/2015 under Section 149 and 308 IPC. The sentence has already been suspended. It has been submitted that the passport of appellant is expiring on 04.09.2024
2. Issue notice.
3. Learned APP for the State accepts notice.
4. Let the passport bearing no. M1856163 of appellant i.e. Brij Mohan Sharma be renewed by the passport authority as per rules.



5. In view of the above, the application stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~54

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

+ **CRL.L.P. 389/2024**

GOPAL VARSHANEY

.....Petitioner

Through: Appearance not given.

versus

LAXMI NARAYAN YADAV

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

%

08.08.2024

CRL.M.A. 23450/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.A. 23449/2024 (delay)

For the reasons stated in the application, the delay of 33 days in filing the petition is condoned.

CRL.L.P. 389/2024

The present appeal has been filed under Section 419(4) challenging the impugned order dated 18.03.2024 passed in c.c. no.1343/2020 whereby the respondent has been acquitted for the offence under Section 138 of NI Act.

Issue notice to the respondent through all permissible modes upon petitioner taking steps, returnable on 21.10.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~55

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 6122/2024**
VINOD KUMAR MITTALPetitioner

Through: Appearance not given.

versus

STATE NCT OF DELHI AND ANRRespondents

Through: Mr. Raghuvinder Varma, APP for the
state

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **08.08.2024**

CRL.M.A. 23415/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

CRL.M.C. 6122/2024

The present application has been moved under Section 483(3) read with Section 528 seeking cancellation of bail granted to the respondent No.2 by the learned Additional Sessions Judge vide order dated 20.06.2024.

Learned counsel for the petitioner submits that the cancellation of bail of another co accused person namely Vikram Duggal in the same FIR has also been challenged bearing CRL.M.C. No. 2453/2023 is pending and fixed before this Court on 21.08.2024.

Issue notice.

Learned APP for the State accepts notice.

Let respondent No.2 be served through all permissible modes, returnable on 21.08.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024/Pallavi/KR



\$~56 and 57

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 6123/2024
PRAMOD GOYALPetitioner
Through: Mr. Manish Gandhi,A dv.

versus

STATE NCT OF DELHI AND ANRRespondents
Through: Mr. Digam Singh Dagar, APP for the
State
+ CRL.M.C. 6125/2024
DINESH & ORS.Petitioners
Through: Mr. Manish Gandhi,A dv.

versus

STATE NCT OF DELHI AND ANRRespondents
Through: Mr. Digam Singh Dagar, APP for the
State

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **08.08.2024**

CRL.M.A. 23416/2024 (exemption) in CRL.M.C. 6123/2024
CRL.M.A. 23420/2024(exemption) in CRL.M.C. 6125/2024

Exemptions are allowed subject to all just exceptions.

CRL.M.C. 6123/2024 and CRL.M.C. 6125/2024

Both the petitions have been filed seeking quashing of FIR No. 1076/2015 registered at PS Vasant Kunj, Delhi under Section 308/279/34 IPC in case CRL.M.C. 6123/2024 and FIR No. 1078/2015 registered at PS Vasant Kunj, Delhi under Section 308/279/341/506/34 IPC in CRL.M.C. 6125/2024.



Issue notice.

Learned APP for the State accepts notice.

List on 29.01.2025.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~62

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

+ **CRL.M.C. 6163/2024, CRL.M.A. 23560/2024**

NAVEEN KUMAR

.....Petitioner

Through: Appearance not given.

versus

STATE N C T OF DELHI & ORS.

.....Respondents

Through: Mr. Raghuvinder Varma, APP for the
state

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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An adjournment has been sought on behalf of the petitioner as main
counsel Mr. Vikram Singh is not available due to personal difficulty.

List on 18.09.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~63

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

+ CRL.M.C. 6167/2024, CRL.M.A. 23573/2024

NIVESH BENIWAL & ORS.

.....Petitioners

Through: Appearance not given.

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Satish Kumar, APP for the State

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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1. The present petition has been filed seeking quashing of FIR No. 284/2017, registered at PS Madhu Vihar, Delhi registered under Section 323/341/506/308/34 IPC.
2. Briefly stated fact are that the FIR was lodged by Akash/respondent no.2 alleging therein that on 17.08.2017 at around 9 PM, he was going towards his house, petitioner/Nitesh and his uncle Vinod came from the back side. The petitioner/Nitesh blocked his way and Vinod assaulted the complainant with a wooden danda on his head. The complainant stated that earlier also they had quarrel.
3. After investigation, the chargesheet has been filed and injuries were simple in nature.
4. Learned counsel for the petitioner submits that, during the pendency of proceedings the parties have entered into a compromise with the intervention of well-wishers and elders of the society and a settlement is recorded vide MOU dated 11.01.2024.



5. The dispute is predominantly of private nature.
6. IO has duly identified the parties and submits that there are no other cases pending before the parties.
7. I have gone through the settlement which has been placed on record. The settlement agreement provides for the following terms and conditions:

“1. That the due to some misunderstanding and temperamental differences, the second party got registered a FIR bearing No. 284/2017 from PS Madhu Vihar under Section 323/341/506/308/34 on 18/8/2017 against the first party.

2. That now both the parties being neighbors with each other, with the passage of time, have settled all their disputes amicably with each other in presence of the common friends and relatives with out any pressure, coercion, fraud or undue influences from any corner.

3. That it has been settled between the parties that after the execution of this compromise deed/MOU, the both parties will not file any case either Criminal or Civil before any court of law against each other.

4. That it has been agreed between the parties that both the parties will withdraw all their respective cases from the concerned courts if any by moving in competent court of law.

5. That the both the parties agreed to cooperate with each other in getting quashed the FIR bearing No. 284/2017 from PS Madhu Vihar under Section 323/341/506/308/34 on 18/8/2017 against the first in the Hon'ble High Court of Delhi without any fail.

6. That after the quashing of FIR, both the parties shall not interfere the smooth life functioning with each other in any way.



7. That both the parties shall not repeat any such type of offence with each other and they will bound the terms and conditions of this MOU.”

8. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non- compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties.
9. Guided by the principles laid down by the Hon'ble Supreme Court in its judgments in ***Gian Singh v. State of Punjab***, (2012) 10 SCC 303; ***Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. v. State of Gujarat & Ors.*** (2017) 9 SCC 641; and, ***State of Haryana & Ors. v. Bhajan Lal & Ors.*** 1992 Supp (1) SCC 335, this Court deems it appropriate, in the interest of justice, to exercise its inherent powers under Section 482 of the Cr.P.C. to quash the FIR and all the proceedings emanating therefrom.
10. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.
11. Hence, the FIR No. 284/2017, registered at PS Madhu Vihar, Delhi under Section 323/341/506/308/34 IPC is quashed.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024/Pallavi/KR



\$~64

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

+ **CRL.REV.P. 1/2024**

MOHD. ASRAR

.....Petitioner

Through: None.

versus

IMRANA AND ANR

.....Respondents

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

%

CRL.M.A. 23526/2024 in CRL.REV.P. 1/2024

The present application has been moved under Section 482 Cr. PC seeking following prayers;

“To Vacate the Stay Order dated 05/01/2024 passed by this Hon'ble Court against the Impugned Order dated 16/02/2023 passed by the Ld. Family in the interest of justice.”

Learned counsel for the petitioner submits that the petitioner has not been making the payment in terms of order dated 05.01.2024.

Issue notice to the petitioner and the counsel through all permissible modes upon taking steps by the petitioner, returnable on 03.09.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~65

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

+ **CRL.REV.P. 1010/2024**

STATE NCT OF DELHI

.....Petitioner

Through: Ms. Priyanka Dalal, APP for the state
versus

RAJ KUMAR @ RAJU @ DEVA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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CRL.M.A. 23440/2024

Exemption is allowed subject to all just exceptions.

CRL.M.A. 23439/2024

The present application has been moved seeking condonation of delay of 597 days in filing the petition.

Issue notice to the respondent through all permissible modes, returnable on 27.01.2025.

CRL.REV.P. 1010/2024

The present petition has been filed challenging the order dated 16.12.2022 whereby the respondent Raj Kumar @Raju@Deva has been discharged.

Issue notice to the respondent through all permissible modes, returnable on 27.01.2025.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~66

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1928/2022**
MANISH KUMAR BHARDWAJPetitioner
Through:

versus

CENTRAL BUREAU OF INVESTIGATION AND ANR.
.....Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

%

CRL.M.A. 23578/2024 in W.P.(CRL) 1928/2022

1. The present application has been moved seeking permission to place on the record additional documents.
2. Learned counsel for the petitioner seeks permission to place on record the Parliamentary Committee Report dated 05.02.2024.
3. Issue notice.
4. Learned counsel accepts the notice.
5. The Court considers that placing of such report would not prejudice any of the parties and may help the Court in adjudicating the matter.
6. Accordingly, the present application is allowed and Parliamentary Committee Report dated 05.02.2024 be taken on the record.
7. Accordingly, the application stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~67

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2402/2024, CRL.M.A. 23480/2024**
PRASHANT PAREEKPetitioner

Through: Appearance not given.

versus

STATE NCT OF DELHI AND ANR.Respondents
Through: Mr. Rahul Tyagi, ASC for State.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
% **08.08.2024**
CRL.M.A. 23479/2024 (Exemption)

Exemption is allowed subject to all just exceptions.

W.P.(CRL) 2402/2024

The present petition has been filed seeking quashing of FIR No.0370/2024 registered at PS IGI Airport under Section 509 IPC.

Learned counsel for the petitioner submits that FIR has been lodged by the respondent No.2 on some misconception. It is submitted that in fact, during the flight, the respondent No.2 had requested to change the seat with the petitioner to which he did not agree, therefore the present FIR was lodged.

Issue notice.

Learned APP for the State accepts notice and seeks time to file the status report.

Let status report be filed.



Let respondent No.2 be served through all permissible, returnable on
04.12.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~68

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2404/2024, CRL.M.A. 23489/2024**
MOHINDER SINGH SANGHERA & ANR.Petitioners

Through: Mr. Rajat Gaur, Adv.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Sanjeev Bhandari, ASC

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
08.08.2024

%

After some arguments, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to file appropriate application before the learned Trial Court.

Liberty is granted.

Learned Trial Court is requested to consider the same in accordance with law.

In view of the above, the present petition along with pending application stands dismissed as withdrawn with liberty as prayed for.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~1 (original matter)

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

+ **CS(COMM) 307/2023, I.As. 9294/2023, 14054/2023, 14055/2023 & 5395/2024**

BINDU BHUSHAN DUBEY

..... Plaintiff

Through: Mr.Raghavendra Pratap Singh,
Mr.Mohit Yadav, Mr.Chirayu Bhatt,
Mr.Shravan Kr.Mishra and Mr.Sumit
Saundal, Advts.

versus

VIJAI ELECTRICALS LTD. & ANR.

..... Defendants

Through: Mr.Bharat Jagat Joshi and
Ms.Maitreyee Jagat Joshi, Advts.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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The matter has been released from the part heard.

List the matter before the Roster Bench on 14.08.2024 subject to the orders of Hon'ble the Acting Chief Justice.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~1

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

+ **BAIL APPLN. 2544/2024**

TASLIMA@ PUTTI IN J/CPetitioner

Through: Appearance not given.

versus

STATE OF NCT OF DELHIRespondent

Through: Ms. Priyanka Dalal, APP for the State

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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Learned APP for the State submits that

The medical report dated 06.08.2024 has been received.

Learned counsel for the petitioner has not received the medical report.

Let the medical report be supplied to the learned counsel for the petitioner.

List on 02.09.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~15

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

+ **W.P.(CRL) 2191/2022**

J

.....Petitioner

Through: Mr. Sushant Mehra, Adv. (VC)

versus

THE STATE [GOVT. OF NCT OF DELHI] & ORS.....Respondents

Through: Mr. Anand V. Khatri, ASC with WSI
Ritu Nangloi.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

09.08.2024

%

The Deputy Superintendent of Police, Jhajjar has filed an affidavit dated 16.02.2024 indicating the cancellation report has been filed.

Learned counsel for the petitioner submits that he is not getting any instructions from the petitioners and seeks an adjournment.

List on 05.12.2024.

DINESH KUMAR SHARMA, J

AUGUST 9, 2024

Pallavi/KR



\$~16

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

+ **W.P.(CRL) 2394/2022, CRL.M.A. 20894/2022**

M/S SUNAR DIAMONDS PVT. LTD AND ORS.Petitioners

Through: **Mr.Vijay Kasana, Mr. Ankit Kumar,**
Advs.

versus

BANK OF INDIA & ANR.Respondents

Through: **Mr Anupam S Sharma, SPP for CBI**
with Ms. Harpreet Kalsi, Mr.Prakarsh
Airan, Advs.for CBI
Mr. Richa Kapoor, Mr. Sandesh
Kumar, Advs. for R-1(VC)

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

09.08.2024

%

1. Learned counsel for respondent No.2 /CBI submits that the present writ is regarding “Master Directions on Frauds-Classification and Reporting by Commercial Banks and Select FI’s” dated 01.07.2016 issued by the RBI.
2. Learned counsel submits that this issue was pending consideration before the Hon’ble Supreme Court in Civil Appeal No. 7300/2022. The Supreme Court in its order reported in the aforementioned Civil Appeal, titled as *State Bank of India and Ors. V. Rajesh Agarwal and Ors.* AIR 2023 SC 1859 *interalia* held as under;
 - i. No opportunity of being heard is required before an FIR is lodged and registered;
 - ii. Classification of an account as fraud not only results in



reporting the crime to investigating agencies, but also has other penal and civil consequences against the borrowers;

3. The learned counsel submits that therefore the present petition has become infructuous.
4. Learned counsel for the petitioner seeks time to take instructions.
5. List on 02.09.2024.

DINESH KUMAR SHARMA, J

AUGUST 9, 2024

Pallavi/KR



\$~17

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

+ **W.P.(CRL) 2579/2022**

MS. MAYA SHARMA

.....Petitioner

Through: Mr. H.Hasibuddin, Mr. Bheem Singh,
Adv. with petitioner.
versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS. ...Respondents

Through: Mr. Amol Sinha, ASC with SI Vinit
Kumar, PS Vikas Puri.
Mr. Amit Sharma, Mr. Raj Kumar,
Adv. for R-3

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
09.08.2024

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1. Mr. Amit Sharma, learned counsel for respondent no.3/Resident Welfare Association (RWA) submits that RWA has offered the post of service as a guard to the son of the deceased and of domestic helper to the wife of the deceased but the same is not acceptable to them. It has been submitted that the RWA does not have any other employment to provide.
2. Let the President of RWA appear in person.
3. Learned ASC on instructions of IO states that the police shall file their report within six weeks. It has also been submitted that DSLSA has a scheme for the compensation in such cases.
4. The member Secretary, DSLSA is requested to appear in person or



may depute any responsible person on the next date of hearing.

5. List on 09.10.2024.

DINESH KUMAR SHARMA, J

AUGUST 9, 2024

Pallavi/KR



\$~18

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

+ W.P.(CRL) 2991/2022, CRL.M.A. 26312/2022, CRL.M.A.
26232/2022
SALMAN KHAN & ORS.Petitioners

Through: None.

versus

JUHIRespondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

% **ORDER**
09.08.2024

None has appeared for the petitioners for the last several dates.

Hence, the present petition along with pending application stands
dismissed as default for non prosecution.

DINESH KUMAR SHARMA, J

AUGUST 9, 2024

Pallavi/KR



\$~19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1769/2024, CRL.M.A. 17195/2024
CHILD M THROUGH HIS LEGAL GUARDIANPetitioner
Through: Mr. Faraz Maqbool, Ms. Sana Juneja,
Ms. Nimisha Menon, Ms. Ankita
Talukdar, Advs.
versus
THE STATE OF NCT OF DELHI & ANR.Respondents
Through: Mr. Rahul Tyagi, ASC with SI
Yogesh Kumar, PS KM Pur, Delhi

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
09.08.2024

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Learned counsel for the petitioner submits that the State may be directed to supply the copy of Police Investigation Report to the petitioner as and when the same is submitted.

Learned ASC submits that the Police investigation report shall be supplied to the learned counsel for the petitioner. It has also been submitted that the directions as contained in order dated 30.05.2024 regarding the admission the child has been complied with.

Learned counsel for the petitioner submits that in view of this, he does not wish to pursue the present petition.

In view of the submissions made above, the present petition alongwith pending application stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 9, 2024

Pallavi/KR



\$~4

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

+ **BAIL APPLN. 2187/2024**

GURMEET SINGH@ SHERUPetitioner

Through: Appearance not given.

versus

STATE NCT OF DELHIRespondent

Through: Mr. Raghuvinder Varma, APP for the
state

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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On behalf of the petitioner an adjournment has been sought.

Learned APP for the state also seeks time to file the status report.

Let status report be filed.

List on 24.09.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/KR



\$~59 and 60

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

+ CRL.M.C. 6141/2024, CRL.M.A. 23457/2024

ASHWANI THAKUR @ ASHI AND OTHERSPetitioner

Through: Mr. Amit Saini, Mr. Ajit Pal Singh,
Advts. with petitioners

versus

THE STATE NCT OF DELHI AND ORS.Respondents

Through: Ms. Kiran Bairwa, APP for the State
with complainant.

+ CRL.M.C. 6143/2024, CRL.M.A. 23460/2024

SANJEEV TOMAR AND OTHERSPetitioner

Through: Mr. Pankaj Kumar, Adv. with
petitioner

versus

THE STATE NCT OF DELHI AND ORS.Respondents

Through: Ms. Kiran Bairwa, APP for the State
Mr. Amit Saini, MR. Ajit Pal Singh,
Advts. with complainant

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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CRL.M.A. 23457/2024 & CRL.M.A. 23460/2024

Exemptions allowed subject to all just exceptions.

Applications stand disposed of.

CRL.M.C. 6141/2024 & CRL.M.C. 6143/2024

1. The present petitions have been filed seeking quashing of case FIR No.



100/2021 registered at PS Farsh Bazar under Sections 323/427/308/34 IPC in case CRL.M.C. No. 6141/2024 and FIR No 101/2021 registered at PS Farsh Bazar under Sections 323/341/308/34 IPC in case CRL.M.C. No.6143/2024.

2. Learned counsels for both parties submit that both the parties are neighbours to each other and have amicably resolved all their disputes with the help and intervention of well-wishers and common friends. The parties have reached on a memorandum of understanding dated 18.02.2024 on the following terms and conditions:

“This compromise deed is made and executed at delhi on this the 18th day of Feb 2024, between (1) Sameer Tomer S/o Sh. Sanjeev Tomer (2) Veer Tomer S/o Sh. Sanjeev Tomer both are S/o Sh. Sanjeev Tomer (3) Sangeeta Tomer Wo Sh. Sanjeev Tomer (4) Sh. Sanjeev Tomer S/o Rajpal Singh, Permanent Ro Village Lohadda, Baghpat Uttar Pradesh 250611 and Ro 3/43. Gali Shuklan Chhota bazar, Shahdara delhi-110032. (hereinafter called first party)

(1) Ashwani Thakur @ Ashu S/o Late Sh. Radhey Shyam (2) Sumit S/o babu (3) Govind @ Shera S/o Sh. Vasudev (4) Rohit S/o Ashok (5) Paras Thakur S/o Sh. Sanjeev Kumar (6) Himanshu Thakur S/o Shri Naresh kumar. All are Resident of IL.No.03/45- 03/46, Gali Shuklan Chhota bazar, Shahdara delhi-110032, (hereinafter called second party)

And whereas on the complaint of the first party case Fir No.100/2021, U/s. 323/341/308/427/34 IPC PS. Farsh bazar & on the complaint of the Second party case Fir No.101/2021, U/s. 323/341/308/34 IPC PS. Farsh bazar, has been registered against the both parties.

And whereas both the parties have amicably compromise their disputes in respect of the present case with the intervention of respectable persons of the society and elders



of both the parties. It is agreed, that second party undertakes not to enter into any dispute with the first party after the quashing of the aforesaid Fir No. 100/2021, U/s. 323/341/308/427/34 IPC Ps. Farsh bazar. It is further agreed, that First party undertakes not to enter into any dispute with the Second party after the quashing of the aforesaid Fir No.101/2021. U/s. 323/341/308/34 IPC Ps. Farsh bazar.

That the compromise has been arrived between the parties named above of their own accord, free will and without any force, coercion or undue influence from any corner but out of own sweet will of the parties.

That now the complainant does not want to proceed with the above said case anymore against the parties & parties has no objection if the present Fir's be quashed by this Hon'ble Delhi High Court."

3. All the Petitioners are present in court. Complainants are also present in person. I.O. has identified all the parties.
4. Learned Addl. P.P. for the State submits that as per the Investigating Officer, there is no other dispute between the parties other than these two FIRs bearing no. FIR No 100/2021 & FIR No 101/2021, both registered at PS Farsh Bazar
5. Since the dispute is predominantly private in nature and the parties have settled all the disputes amicably, in the interest of justice it would be better to put a quietus to the dispute. The chances of conviction would also be bleak and remote, given that the parties do not wish to pursue the present complaint on account of the settlement. I do not see any reason to reject the settlement. However, since both the parties have put an unnecessary burden on the exchequer, let a cost of Rs. 5,000/- each be deposited by the petitioners in both cases with the



Delhi Advocate Welfare Fund.

6. Taking into account the totality of facts and circumstances, case FIR No 100/2021 registered under Sections 323/427/308/34 IPC, and case FIR No 101/2021 registered under Sections 323/341/308/34 IPC, both registered at PS Farsh Bazar and all proceedings emanating therefrom are quashed.
7. List the matter for compliance on 04.09.2024.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/HT



\$~61

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

+ **CRL.M.C. 6159/2024, CRL.M.A. 23545/2024**

PRAVEEN KUMAR AND ORS

.....Petitioners

Through: Mr. Rakesh Sharma, Adv. with
petitioners.

versus

**STATE AND ANR THROUGH SHO PS DWARKA NORTH AND
ANR**

.....Respondents

Through: Ms. Kiran Bairwa, APP for the state
SI Bharat Lal, PS Uttam Nagar and SI
Sumit Kumar, PS Dwarka North
Mr.Birpal Singh, Adv. with R-2 in
person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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1. The present petition has been filed seeking the quashing of FIR No.0725/2021 registered at PS Dwarka North, New Delhi under Sections 498A/406/34 IPC, and all proceedings emanating from it.
2. Learned Counsel for the petitioner submits that Respondent no.2/complainant married petitioner no.1 on 20.04.2018 in accordance with the Hindu Rites and Ceremonies and no child was born out of the said wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living separately and instituted multiple litigations against each other and their respective families including the present FIR.



3. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably, and in furtherance thereof, they have entered into a settlement vide agreement dated 23.03.2024 at Mediation Centre, Dwarka Courts.
4. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 03.07.2024 before the learned Principal Judge, Family Courts, South West, Dwarka Courts, Delhi.
5. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR No.0725/2021 registered at PS Dwarka North, New Delhi under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom.
6. I have gone through the settlement dated 23.03.2024 at Mediation Centre, Dwarka Courts which has been placed on record. The settlement agreement provides for the following terms and conditions:
 - a) *The complainant/wife and the respondent/husband shall seek divorce by mutual consent.*
 - b) *The respondent/husband shall pay a sum of Rs. 11,00,000/- (Rupees eleven lacs only) to the complainant/wife towards full and final settlement of all her claims regarding permanent alimony, dowry, stridhan and maintenance (past, present and future), in three installments as under:*
 - i) *First installment of Rs.4,00,000/- (Rupees four lacs only) shall be paid by the respondent/husband to the complainant/wife by way of DD, at the time of*



recording of their joint statement in the first motion petition u/s. 13-B(1) of HMA, which shall be jointly filed by them on or before 23.04.2024.

ii) Second installment of Rs.4,00,000/- (Rupees four lacs only) shall be paid by the respondent/husband to the complainant/wife by way of DD at the time of recording the statement in second motion petition. Both the parties shall move second motion petition for divorce u/s 13 B (2) of HMA, within 15 days of the expiry of the minimum statutory period or any time sooner as per law.

iii) The respondents/accused persons Sh. Praveen Kumar, Sh. Rameshwar, Smt. Resham Devi, Smt. Veernu, Sh. Jagmohan Shanty, Ms. Reenu @ Neeti and Sh. Chetan shall move appropriate petition for quashing of FIR No. 725/2021 u/s 498-A/406/34 IPC, PS Dwarka North titled as State vs. Praveen Kumar & Ors. before the Hon'ble High Court of Delhi which shall be filed within 30 days after allowing the second motion petition. The complainant/wife shall appear before the Hon'ble High Court of Delhi and cooperate in the said proceedings including signing of affidavit/NOC.

The third installment of Rs.3,00,000/- (Rupees three lacs only) shall be paid by the respondent/husband to the complainant/wife by way of DD at the time of recording the statement in the quashing petition before the Hon'ble High Court.

iv) It has been apprised to the parties that the quashing of the above mentioned FIR shall be in terms of the guidelines issued by the Hon'ble High Court of Delhi in Crl.M.C. 5720/2023 In case titled as Abhishek @ Love & Ors. vs. The State NCT of Delhi & Ors.

c) In case the respondent/husband does not turn up for the



second motion, the amount already paid by the respondent/husband during first motion shall be forfeited by the complainant/wife.

d) In case the complainant/wife does not turn up for the second motion she shall be liable to return the double amount received by her from the respondent/husband during first motion.

6. The complainant/wife shall withdraw the present case before Ld. Referral Court and connected case at Sl. No.2 above within 30 days of recording the statement in first motion petition.

7. It is further agreed between the complainant/wife and the respondents that they would not file any case in future against each other and/or their respective family members in connection with this marriage. Both the parties will not be left with any grievance against each other as well as their respective families. Both parties shall not contact the either of the family members, relatives, friends, acquaintance nor shall make any defamatory remarks against each other,

8. Both the parties shall make appropriate statements before the concerned court and shall cooperate with each other in all the legal proceedings, so as to give effect to this settlement.

9. In case any party does not abide by the terms and conditions of this settlement, the other party shall be at liberty to take appropriate action as per law.

10. The parties shall be bound by the terms and conditions as mentioned above.

11. Both the parties shall bear their respective cost of litigation.

12. By signing this settlement, both the parties state that



they have no further dispute against each other in respect of the present case and the above mentioned connected cases and all the disputes and differences in this regard have been amicably settled by them during the mediation.”

7. Both parties are present in court and have duly been identified by the IO. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. Today, Respondent No 2 has received a demand draft bearing No.104321 dated 05.07.2024 drawn on Axis Bank for the sum of Rs.3,00,000/- as per the settlement. Respondent No. 2 submits that since the marriage between the parties has also been dissolved, she has no objection if FIR No.0725/2021 registered at PS Dwarka North, New Delhi under Sections 498A/406/34 IPC and all the other proceedings emanating therefrom are quashed.
8. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non- compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Supreme Court and this Court have repeatedly held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached an amicable settlement. Reliance may be placed upon: ***B.S. Joshi v. State of Haryana***, (2003) 4 SCC 675; ***K. Srinivas Rao v. D.A.Deepa***, (2013) 5SCC 226; ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.



9. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.
10. In view of the above, FIR No.0725/2021 registered at PS Dwarka North, New Delhi under Sections 498A/406/34IPC and all the other proceedings emanating therefrom are quashed.
11. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/HT



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

+ **CRL.M.C. 2568/2018, CRL.M.A. 9111/2018**

GIRISH KUMAR

.....Petitioner

Through: Mr. Anirudh Sharma, Mr. Rajiv Dalal, Mr. Sanjeev Sharma, Mr. Ritvik Bhanot, Mr. Kishlay Kumar, Mr. Sachin Kumar Singh, Advs. with petitioner

versus

UNION OF INDIA & ORS

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC, Mr. Chandan Prajapati, Ms. Yashika Garg, Advs. for R-1, 3 to 6.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

08.08.2024

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1. The present petition has been filed under Section 482 Cr. PC read with Article 226 of the Constitution of India seeking quashing of kalndara criminal complaint bearing CC No.1217/2015 filed under Sections 145/146/147/174 Railway Act, 1989.
2. The present kalandara was filed on 25.11.2015 before Sh. Arun Goel, learned Special Railway Magistrate, Old Delhi Railway Station, Delhi. It was alleged in kalandra that while SI Inderjeet an officer of Railway Protection Force was on duty at Palam Railway Station Gate No. 15C. Ct. Deepak Kumar informed that while Gateman Dharmveer Yadav was going to close Railway crossing Barrier for safe passage of Train No.12916 Aashram Express and signaled to vehicles to stop



by hand, a person driving Alto Car forcibly got his car entered beyond the Barrier. Allegedly, the driver of the car i.e. the petitioner got out of the car and started misbehaving and threatening the personal on duty. Allegedly, thereafter efforts were made to pacify the petitioner, however, he kept on shouting and misbehaving. On these allegations, the above stated kalandara was filed.

3. Learned Special Railway Magistrate vide order dated 01.04.2016, issued summons to the petitioner returnable on 09.05.2016. The petitioner had challenged the summoning order before the Session Court which was dismissed by learned Additional Sessions Judge vide order dated 03.02.2018. The petitioner had also challenged the framing of notice and the revisional Court vide order dated 03.02.2018, though set aside the framing of notice under Section 174 of the Railways Act, however, upheld the framing of notice under the other relevant sections. Therefore, the petitioner has challenged the summoning order as well as the framing of notice.
4. Learned counsel for the petitioner submits that even on the face of it, the offence under Section 145, 146 and 147 of the Railways Act was not made out. Learned counsel submits that even as per the allegations made in the Kalandara, the Boom Barrier was not closed and the person on duty i.e., the complainant started stopping the cars/traffic by his hand signal. Learned counsel submits that even if the case of the complainant is admitted to be correct, the petitioner was not supposed to stop on the hand's signal. Learned counsel submits that the learned Trial Court has summoned the petitioner mechanically without any application of mind.



5. Learned counsel also submits that the learned Sessions Judge has also dismissed the revision petition without any application of mind. Learned counsel for the petitioner submits that the petitioner was implicated falsely. It has been submitted that in fact the complainant was misbehaving with the various people and the petitioner who recently graduated from the Law college protested against this on the basis of which, the present kalandara was filed.
6. Learned counsel submits that aggrieved of the act, the petitioner has filed the complaint case No. 53742/2016 titled as Girish Kumar v. Deepak Kumar. Learned counsel submits that the case is at the stage of pre summoning evidence. However, learned counsel submits that the petitioner wants to put an end to entire proceedings and therefore also undertakes that he shall withdraw the complaint against the RPF officials.
7. Ms. Pratima N. Lakra, learned CGSC submitted that there is no legal infirmity in the order of the learned Sessions Judge. It has been submitted that in fact on 25.11.2015, the petitioner was about to enter the gate no. 15 C near Palam Railway Station Crossing where the Boom barrier was about to close. It has been submitted that Ct. Deepak Kumar who was on duty was trying to stop the car bearing DL1CN4211 driven by the petitioner. However, the petitioner forcibly entered with his car into the gate in spite being warned and stopped by the Ct. Deepak Kumar. It has further been submitted that in the meantime, the both sides of gates were closed and said car was struck and remained parked within the gates, which could have resulted in a serious accident. It has been submitted that the petitioner also



misbehaved with Ct. Deepak Kumar in the presence of gateman Dharmveer. It has further been submitted that on account of gross abuse and nuisance, the Train No.12916 Aashram Express stopped for 6 minutes causing delay for passing of the said incident.

8. Learned counsel submits that the pleas taken by the petitioner are false and not maintainable. Learned counsel for the respondent also submits that since the petitioner was inside the boom barrier, he was on the part of the railway property.

9. Section 145 of the Railways Act provides as under:

“145. Drunkenness or nuisance.—

If any person in any railway carriage or upon any part of a railway—

(a) is in a state of intoxication; or

(b) commits any nuisance or act of indecency or uses abusive or obscene language; or

(c) wilfully or without excuse interferes with any amenity provided by the railway administration so as to affect the comfortable travel of any passenger, he may be removed from the railway by any railway servant and shall, in addition to the forfeiture of his pass or ticket, be punishable with imprisonment which may extend to six months and with fine which may extend to five hundred rupees:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such punishment shall not be less than—

(a) a fine of one hundred rupees in the case of conviction for the first offence; and

(b) imprisonment of one month and a fine of two hundred and fifty rupees, in the case of conviction for second or subsequent offence.”

10. The bare perusal of the Section 145 indicates that this Section will be attributable in present case, the offence is committed by the person



who is in any railway carriage or on part of railway. The petitioner admittedly, was not traveling in a railway carriage. Further, Section 146 would be attributable when the person has obstructed railway servant in his duties. Thus, on the face of it Section 145 and Section 146 are not attributed to the facts of this case.

11. The case of the prosecution is that despite being given signal by hand the petitioner did not stop and forcibly entered his car. In the reply, it has been submitted that thereafter the gate was closed, however, this has not mentioned in the kalandara. Therefore, it does not make out that the petitioner in any way obstructed the railway staff. The complainant in the kalandara has merely stated that the petitioner had trespassed and refused to go out from the trespass, therefore the Section 147 has been made out. I consider that this plea of the respondent is also not maintainable in absence of any material on record.

12. In the case of ***Smt Nagawwa v. Veeranna Shivalingappa Konjalgi And Others***, 1976 SCC 3 736; the apex court *inter-alia* held as under:

“5.....Thus it may be safely held that in the following cases an order of the Magistrate issuing process against the accused can be quashed or set aside:

(1) where the allegations made in the complaint or the statements of the witnesses recorded in support of the same taken at their face value make out absolutely no case against the accused or the complaint does not disclose the essential ingredients of an offence which is alleged against the accused;

(2) where the allegations made in the complaint are patently absurd and inherently improbable so that no prudent person can ever reach a conclusion that there is sufficient ground for proceeding against the accused;



(3) where the discretion exercised by the Magistrate in issuing process is capricious and arbitrary having been based either on no evidence or on materials which are wholly irrelevant or inadmissible; and

(4) where the complaint suffers from fundamental legal defects, such as, want of sanction, or absence of a complaint by legally competent authority and the like.

The cases mentioned by us are purely illustrative and provide sufficient guidelines to indicate contingencies where the High Court can quash proceedings.”

13. Applying these principles to the facts of the present case it seems to this court that the present case is not one in which the Ld. MM should have summoned and framed the notice. The perusal of the record indicates that along with the kalandara, no document was filed showing that the petitioner had entered into any part of railway or had trespassed into. I have seen the list of documents filed along with the kalandara. Even the site plan has not been filed along with kalandara. The kalandara is in the form of a private complaint. The complainant is required to file some documents to substantiate the allegations. Therefore, on the basis of the complaint, kalandara and the documents, the offence(s) are not made out. Thus the summoning order in such a case would not be sustainable. I consider that the kalandara suffers from illegal infirmity.

14. In view of the above, kalandara/criminal complaint bearing CC no. 121 of 2015 under section 145/146/147 The Railways Act 1989 pending before the court of Ld. Special Railway Magistrate Old Delhi Railway Station, Delhi arising out of complaint bearing CC no. 1217/15 registered on 25.11.2015 at RPF post Delhi Cantt. under section



145/146/147/174 of The Railways Act and subsequent proceedings thereto are quashed.

DINESH KUMAR SHARMA, J

AUGUST 8, 2024

Pallavi/HT



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

+ **BAIL APPLN. 1831/2024**

ASHOK KUMAR SHARMA

.....Petitioner

Through: Mr. Mohan Shyam Arya, Mr. Bahik
Ram Gautam, Advs.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raghuvinder Varma, APP for the
State with IO Pankaj Gulliya, PS
Dayalpur.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.08.2024

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1. Learned APP for the State seeks a short adjournment as main IO Inspector Karamveer Singh is not available today.
2. List on 23.09.2024.
3. In the meantime, interim bail granted to the petitioner vide order dated 01.07.2024 is extended till the next date of hearing on the same terms and conditions.
4. Copy of this order be given *dasti* under the signature of the Court Master.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024

Pallavi/KR



\$~20

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

+ **W.P.(CRL) 948/2024**

MOHD ARMAN & ORS.

.....Petitioners

Through: **Mr.M. N. Dudeja, Mr. Aditya Mishra,**
Advs.

versus

STATE GOVT OF NCT OF DELHI & ANR.

.....Respondents

Through: **Mr. Sanjay Lao, ASC.**
Mr. Ashish K Singh, Ms. Palak
Tyagi, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.08.2024

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Learned counsel for the petitioner submits that status report has not been supplied.

Let the status report be supplied to the learned counsel for the petitioners.

Let prosecutrix be served again through IO. Petitioner may file brief written submissions.

List on 21.10.2024.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024

Pallavi/KR



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

+ CRL.M.C. 6279/2018, CRL.M.A. 49349/2018

M/S INNOVATION POLYMERS & ORSPetitioners

Through: Mr. Ramit Malhorta, Adv.

versus

M/S VARAHI LTDRespondent

Through: Mr. Sanjay Gupta, Ms. Devi Das
Verma, Mr. Shubham Thakur, Mr. S.
P. Singh Chauhan, Advs.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.08.2024

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1. The present petition has been filed seeking quashing of criminal complaint No.7381/2017 filed under Section 138 of Negotiable Instruments Act, 1881 titled as "*M/s Varahi Limited v. M/s Innovations Polymers & Ors.*"
2. Learned counsel for the petitioner submits that this is an exceptional case where the person who had signed the cheque purportedly having been issued on 25.09.2017 was not alive on that date. Learned counsel for the petitioners invited the attention to the death certificate as Annexure –P2 placed on the record according to which, Sh. Naresh Kumar Arora had expired on 17.03.2015. Learned counsel submits that therefore the proceedings are liable to be quashed immediately.
3. Sh. Sanjay Gupta, learned counsel for the respondent submits that the cheque was issued by the firm and Sh. Naresh Kumar Arora has



merely singed on it. Learned counsel submits that they were not aware that Sh. Naresh Kumar Arora had died. Learned counsel submits that the cheques were dishonored for the want of “funds insufficient”. Learned counsel submits that even if the Sh.Naresh Kumar Arora had died, the proceedings will continue and this would be matter of the trial.

4. Learned counsel for the respondent seeks time to place some judgments in this regard.
5. List on 27.08.2024.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024

Pallavi/KR



\$~5 to 8

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

+ CRL.M.C. 914/2018, CRL.M.A. 3385/2018

RAJESH PACHISIA

.....Petitioner

Through: Mr. Manish Tiwari, Adv.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Atul Guleria, SPP for CBI with
Mr. Pankaj Kumar, Mr. Shubham
Goyal, Mr. Aryan Rakesh, Adv.

+ CRL.M.C. 1076/2018, CRL.M.A. 3891/2018

RAJESH CHANDER KARNATAK

.....Petitioner

Through: Mr. Jayant Mehta, Mr. Saswat
Pattnaik, Sr. Adv. Mr. Akshay Sinha,
Mr. Aditya Panda, Adv.

versus

CBI

.....Respondent

Through: Mr. Atul Guleria, SPP for CBI with
Mr. Pankaj Kumar, Mr. Shubham
Goyal, Mr. Aryan Rakesh, Adv.

+ CRL.M.C. 1088/2018, CRL.M.A. 3917/2018

DINESH CHAND GUPTA

.....Petitioner

Through: Mr. Sameer Rohtagi, Mr. Shiv
Mangal Sharma, Ms. Shalini Singh,
Ms. Ishika Gupta, Adv.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Atul Guleria, SPP for CBI with
Mr. Pankaj Kumar, Mr. Shubham
Goyal, Mr. Aryan Rakesh, Adv.

+ CRL.REV.P. 599/2018, CRL.M.A. 28098/2018, CRL.M.A.
28101/2018



CENTRAL BUREAU OF INVESTIGATION

.....Petitioner

Through: Mr. Atul Guleria, SPP for CBI with
Mr. Pankaj Kumar, Mr. Shubham
Goyal, Mr. Aryan Rakesh, Adv.

versus

VIVEK DUTT & ANR

.....Respondents

Through: Mr. Shashank Agrawal, Adv. for Mr.
Harshvardhan Pandey, Adv.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.08.2024

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List these matters before another Bench on 21.08.2024 subject to the
orders of Hon'ble the Acting Chief Justice.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024

Pallavi/KR



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

+ **CRL.REV.P. 642/2024, CRL.M.(BAIL) 810/2024**

ANIL

.....Petitioner

Through: **Mr.Yashvir Singh Kadian, Adv.(VC)**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Satish Kumar, APP for the State
with IO SI Ravi Rana, PS Bawana.**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.08.2024

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The State has not filed the Reply.

Let the matter be listed for final hearing.

Let both the parties file brief written submissions not exceeding three pages along with the judgments they wish to rely upon within four weeks with an advance copy to the opposite party.

List on 25.10.2024.

In the meantime, let TCR be requisitioned in the digital format before the next date of hearing.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024

Pallavi/KR



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

+ **W.P.(CRL) 1200/2024**

SURJEET @ AJAY @ PAYYU @ SANJAYPetitioner

Through: Mr. Utkarsh Singh, Adv.

versus

STATE (GOVT OF NCT OF DELHI)Respondent

Through: Mr. Amol Sinha, ASC with Kshitiz
Garg, Mr. Ashvini Kumar with SI
Sanjay Kr. PS Rajouri Garden.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.08.2024

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Learned counsel for the petitioner submits that vide order dated 06.05.2024, the Apex Court has directed the respondent-State to consider the case of the petitioner for grant of permanent remission and pass appropriate orders thereon within a period of six weeks.

The Apex Court had directed that in the meantime, if the petitioners are on furlough then they are exempted from surrender.

Let copy of the order of Apex Court be placed on the record.

The bailable warrants issued against the petitioner and the notice issued to the surety be recalled.

Copy of this order be sent to the learned Trial Court.

List on 07.10.2024.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024

Pallavi/KR



\$~2

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

+ **BAIL APPLN. 2601/2024**

ASHOK KUMAR YADAV

.....Petitioner

Through: Mr.Surinder S. Tiwana, Mr. Arun
Sharma, Mr. Sandeep Tyagi, Ms.
Anchal Mishra, Advs.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Satish Kumar, APP for the State
with SI Rashmi PS Begumpur

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.08.2024

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Learned counsel for the petitioner submits that the testimony of the victim has not been recorded within the period prescribed under Section 35 of the POCSO Act, 2012. Learned counsel for the petitioner further submits that cross examination is being deferred for the want of case property. Learned counsel submits that petitioner is in custody since 10.12.2022, therefore he may immediately be released on bail.

Learned APP for the State submits that in the testimony of the prosecutrix, it has come that she has been threatened by the petitioner. Learned APP further undertakes that the efforts shall be made qua getting the FSL report as early as possible and file the same in the Court.

Learned Trial Court is directed to complete the testimony of the prosecutrix on the next date of hearing i.e. 08.11.2024. IO is also directed to positively to make available the case property before the learned Trial Court



on the next date of the hearing.

List on 19.12.2024.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024

Pallavi/KR



\$~6 (Original Side)

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

+ O.M.P. (COMM) 276/2023, I.A. 14020/2023, , I.A. 14021/2023, I.A. 14022/2023

RELIANCE COMMERCIAL FINANCE LIMITEDPetitioner

Through: Mr. Jayant Mehta, Sr. Adv. with Mr.
Aditya Panda, Ms. Nikita, Adv.

versus

TARAASHNA FINANCIAL SERVICES LIMITEDRespondent

Through: Mr. Manik Dogra, Mr. Viral Mehta,
Mr. Shahezaad Kazi, Ms. Ishita
Mathur, Ms. Tripti Sharma, Mr.
Dhruv Pande, Adv.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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16.08.2024

O.M.P. (COMM) 276/2023, I.A. 14020/2023, , I.A. 14021/2023, I.A. 14022/2023

Arguments heard.

Judgment reserved.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024

Pallavi/KR



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

+ **CRL.M.C. 6375/2024**

KUNAL SETH & ORS.

.....Petitioners

Through: Mr.Amod Sharma, Adv. with
Petitioner No.1

Petitioners Nos. 2 to 4 through VC

versus

STATE GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Kiran Bairwa, APP for the State
with SI Nisha, PS Mohan Garden
Mr. E. Krishna Dass, Adv. for R-2
with R-2 in person.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

16.08.2024

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CRL.M.As. 24379-80/2024

Exemptions are allowed subject to all just exceptions.

CRL.M.C. 6375/2024

1. The Present petition has been filed under section 482 Cr.P.C for quashing of FIR 245/2021 registered under Section 498A/406/34 IPC at PS Mohan Garden and all the other proceedings emanating therefrom.
2. Learned Counsel for the petitioners submits that the petitioner No.1 and Respondent no.2/complainant married on 25.01.2019 in accordance with the Hindu Rites and Ceremonies and no child was born out of the said wedlock. However, on account of temperamental differences and mental incompatibility, the parties started living



separately since June, 2020 and instituted multiple litigations against each other and their respective families including the present FIR.

3. Learned Counsel further submits that during the pendency of the proceedings, the parties have resolved their disputes amicably, and in furtherance thereof, they have entered into a settlement agreement dated 12.05.2023.
4. Pursuant to the settlement, it is submitted by both parties that the marriage between them has already been dissolved on 22.05.2024 as per HMA No.1408/2024 by the Judge, Family Court-01, West District, THC, Delhi.
5. Furthermore, the Learned Counsel for the petitioners submits that since the parties have resolved all their differences amicably, therefore, it would be in the interest of justice to quash FIR 245/2021 registered under Section 498A/406/34 IPC at PS Mohan Garden and all the other proceedings emanating therefrom.
6. I have gone through the settlement deed dated 12.05.2023 which has been placed on record. The settlement agreement provides for the following terms and conditions:

“1. That the Second Party agrees to pay a total settlement amount of Rs. 20,00,000 (Rupees Twenty Lakhs) to the First Party towards all her claims made with respect to maintenance, permanent alimony, Istridhan or any other article needed for her upkeep or any other claim whatsoever in past, present or future. That the second party shall pay the sum of Rs. 20,00,000/- (Rupees Twenty Lakhs) in three installments to the first party and which is subject to fulfillment of terms and conditions as mentioned in this agreement.

A. 1ST INSTALLMENT: That the Second Party shall pay the



First Installment i.e. a sum of Rs. 6,00,000/- (Rupees Six Lakhs) through Demand Draft to the First party at the time of recording of statement of parties in petition under section 13B(1) of the Hindu Marriage Act, 1955 which shall be filed before the respective Courts at Tis Hazari, Delhi within 21 days from the execution of the present Deed of Settlement.

B. IIND INSTALLMENT: That the Second party shall pay the second Installment i.e. another sum of Rs. 6,00,000/- (Rupees Six Lakhs) through Demand Draft to the First party at the time of recording of statement of parties in petition under section 13B(2) of the Hindu Marriage Act, 1955.

C.IIIRD INSTALLMENT: That at the time of recording of her statement subsequent to filing of affidavit /NOC before the Hon'ble Delhi High Court for quashing of the F.I.R. No. 0245/2021 U/s 498A/406/34 with P.S. Mohan Garden, Delhi the Second Party shall pay the last and final installment of Rs. 8,00,000 (Rupees Eight Lakhs) to the First Party by way of Demand Draft.

2.That a joint quashing petition shall be filed simultaneously to filing of First motion petition by the parties within 21 days of execution of present Settlement agreement and whereas the First party undertake to fully co- operate with the Second party and his family members and the alleged co- accused for getting the F.I.R. no. 0245/2021 U/s 498A/406/34 of IPC quashed before the Hon'ble Delhi High Court. That First party shall remain available for recording of her statement and shall furnish her affidavit /NOC/statement promptly during the proceedings before The Hon'ble High Court of Delhi for getting the above said F.I.R. quashed as per law. The First party shall endeavor to do and stay available for all/any requisites beside appearing before the Hon'ble Delhi High Court towards quashing of the above mentioned F.I.R. and proceedings emanated therefrom. Though no charge-sheet has been filed in this regard till date.



3. That the parties undertake that they will inform the concerned Court and authorities / Police i.e. wherever the cases, complaints and applications against each other are pending between them qua the execution of present compromise agreement between the parties and seek disposal of the said cases respectively at the first opportunity.

4. That the first party shall withdraw the above mentioned petition U/s 125 Cr.P.C and petition U/s 12 of the Protection of Women from Domestic Violence from the respective Courts at the first instance immediately after the receipt of first installment of the compromise amount of Rs.6,00,000/- (Rs. Six Lakhs) from the Second Party. That the Second party shall simultaneously withdraw the application filed by him against the first party for perjury i.e. under Section 340 Cr.P.C. from the respective Court. That the said withdrawal shall be subject to revival of the petitions and applications if either party withdraw his or her consent or failed to comply with the terms of the present Settlement Agreement.

5. That upon execution of present settlement deed the Second party shall withdraw the Divorce Petition filed by him against the first party with liberty to file afresh the same in case of non-performance/ non compliance of duties/obligations and terms of present settlement deed by the First Party.

6. That it has been further agreed between both the parties that after obtaining the first motion they shall file Petition under Section 13B(2) within 30 days from the date of grant of First Motion alongwith a joint application for seeking waiver of statutory period of 6 months as per law. That the parties shall co-operate in getting the period of 6 months waived and shall appear before the court promptly.

7. That the parties admits and acknowledge that they shall not claim any other articles or amount from each other



and/or their family members in any form whatsoever, for their upkeep, maintenance, whether past, present or future and all their claims towards maintenance, permanent alimony, Istridhan or under any other legal provision shall stand settled fully and finally between the parties and no claim, right, remedy remains with them against each other and their family members and as such none of them would raise any complaint, claim and/or anything in future from each other or their family members except as stated in the present Settlement Agreement.

8. It is further agreed and stated that at the time of execution of this deed that the Second party shall return all the leftover personal belongings of the First party within 7 days in the nature of Furniture being, Godrej Iron Almirah, Sony Bravia Smart TV 40 Inch, Philips juicer Mixer, Tissot Ladies Watch, Double Bed with 1 Side Table and Mattresses, Signature Double Bed Blanket, Dinner Set, and Approximately 5 Heavy wedding Bed sheets, 3 Cotton Bed Sheet, 1 Trolley bag UCB, 1 Wedding Lehnga, 11 Suit Party wear, 2 Hand Bag, 5 Heavy Gown Dress, 4 Sarees, 4 Kurti Legging Suits, 11 Western Dresses, 4 jeans and Top, 4 Sweater, 2 Jackets, 1 coat, pairs of daily footwear etc. subject to availability including Wedding Ring given by the parents of the first party to the Second party and while returning the above said Almirah the First Party will open and show the articles lying in the same and shall return any all belongings of the Second party and/or his family including but not limiting to the educational certificates of the Second Party herein and nothing remains whatsoever and hereafter the First party will have no claim of any nature with respect to any of her articles/belongings with Second Party or at his House.

9. That the parties have fully understood the terms and conditions of the present settlement agreement and shall abide by the same and shall not commit any breach to any of the terms and conditions mentioned herein above. In case of any breach by either party regarding the terms of present



MOU/Settlement Deed, the aggrieved party shall be entitled to file appropriate proceedings to enforce the terms of the present agreement & to cure the said breach as per law including the contempt of Court proceedings.

10. That the parties undertake and assure to fully cooperate with the institution and conclusion of separation proceedings as detailed above.

11. That the parties shall not institute any fresh litigation or lodge any complaint whatsoever against each other and their family members after execution of the present Agreement except in case of default to perform his/her part in terms of present settlement deed.

12. That the parties undertakes and assures neither they nor their family members shall do any act/acts which would cause prejudice or deface any parties and their family members in present in present or in future.

13. That if any parties has filed any litigations or complaints which is not in the knowledge of the other party, in the Court of law, police or any other authority either in New Delhi or any part of India, then, it shall be deemed to be considered as compromised and withdrawn upon execution of present Settlement Deed and shall not have any legal effect.

14. That the parties agree that this Agreement shall be legally binding on each of the parties and the terms of the same shall be strictly adhered to by both the parties. In case of default by either of the party, the other party shall be at liberty to move to the appropriate Court/form against the defaulting party without prejudice which may include but not limited to seek specific performance of the present Settlement Agreement. The parties further undertake that upon execution of the present Settlement Agreement, either of the party can make use of the instant settlement to demonstrate the other party's consent towards termination of such proceedings or inquiries or suits pending before any



Court of law, Police and/or statutory authority(ies).

15. That the first party acknowledges and confirms that subject to receipt of the entire settlement amount of Rs. 20,00,000/- (Rupees Twenty Lakhs) from the Second Party the First party shall be left with no pending claim of any nature against the Second party and his family members relatives in any manner including regarding her Istridhan and valuable items.

16. The parties guarantee that they shall abide by and respect the terms of the present Settlement Agreement in good faith. The terms contained herein shall be enforceable qua the parties till the final decree of mutual separation is passed. To ensure final decree of mutual separation is passed expeditiously, the party shall put in conjoint efforts to achieve the same.

17. PENALTY CLAUSE: That it is specifically agreed that in case the First party causes any default / breach of the terms of present Settlement than the First party shall be liable to refund the amount so received by her from the Second party under this agreement alongwith interest @ 12% per annum.

It is agreed that in case of default being caused by the Second Party at any stage after execution of present Settlement Deed the amount already paid by Second Party by virtue of present deed shall remain forfeited by the First Party and no claim shall remain in this regard whatsoever.

18. That it is also agreed that beside the terms of present agreement the parties shall remain bound by the law laid down as per judgement of Rajat Gupta Vs. Rupali Gupta in CONT. CAS(C) 772/2013 dated 15.05.2018 passed by the Hon'ble High Court of Delhi.

19. That it is further agreed that in case of failure to perform her part of the agreement i.e. to file NOC and get her statement recorded by the First party before the Hon'ble



Delhi High Court for quashing of F.I.R. no. 0245/2021 u/s498A/406/34 of IPC with P.S. Mohan Garden, Delhi in terms of present agreement than the Second party shall be at liberty to file quashing petition on the basis of present agreement and the same shall be treated as NOC of First Party and whereupon the First party shall not be entitled for any further payment whatsoever.

20. Severability If any part of this Agreement is declared invalid or unenforceable by a Court of competent jurisdiction, it shall not affect the validity or enforceability of the remainder of this Settlement Agreement /MOU, unless the Agreement so construed fails to meet the essential purposes of the parties as manifested herein.

21. That the parties undertake that they shall not withdraw their respective consents from filing the divorce petitions through mutual consent during first and second motion. Subject to full compliance to all the terms and conditions of the present agreement, it has been mutually decided that all complaints lodged by either party against each other or their family members shall stand withdrawn and neither party shall file any fresh police complaint, fresh litigation against each other or their family members.

22. That there is no remote possibility or probability of reunion between both the parties.

23. That the parties shall not disturb each other peace or access or come near each other family members or to their houses or their offices after the final grant of decree of dissolution of marriage. Neither party shall place any photographs or any material to put any blame against each other on any social media platform.

24. That the parties herein agreed and acknowledge that they have mutually decided to separate on mutual consent out of their own free Will and there is no coercion, force, fraud or undue influence from any corner.”



7. The total settlement amount in terms of settlement deed dated 12.05.2023 is Rs.20,00,000/-. Today, as per settlement, a demand draft bearing DD No. 502515 dated 24.05.2024 drawn on ICICI Bank of Rs.8,00,000/- is handed over to the respondent No.2 in Court. Respondent No. 2 states that she has received the entire settlement amount.
8. It is settled that the inherent powers under section 482 of the Code are required to be exercised to secure the ends of justice or to prevent abuse of the process of any court. Further, the High Court can quash non- compoundable offences after considering the nature of the offence and the amicable settlement between the concerned parties. Supreme Court and this Court have repeatedly held that the cases arising out of matrimonial differences should be put to a quietus if the parties have reached an amicable settlement. Reliance may be placed upon: ***B.S. Joshi v. State of Haryana***, (2003) 4 SCC 675; ***K. Srinivas Rao v. D.A.Deepa***, (2013) 5SCC 226; ***Yashpal Chaudhrani and Others vs. State (Govt. of NCT Delhi) and Another***, 2019 SCC OnLine Del 8179.
9. Both parties are present in court and have duly been identified by the IO. Respondent No. 2 submits that she has entered the settlement voluntarily without any fear, force, or coercion. She submits that other petitions have already been withdrawn or dismissed. And since the marriage between the parties has also been dissolved on 22.05.2024 as per HMA No.1408/2024 by the Judge, Family Court-01, West District, THC, Delhi, she has no



objection if FIR 245/2021 registered under Section 498A/406/34 IPC at PS Mohan Garden and all the other proceedings emanating therefrom are quashed.

10. Taking into account the totality of facts and circumstances of the case, this court considers that the parties have entered into an amicable settlement out of their own free will, without any fear, force or coercion and they should be given an opportunity to lead their lives peacefully. No purpose will be served in continuing with the trial.

11. In view of the above, FIR 245/2021 registered under Section 498A/406/34 IPC at PS Mohan Garden and all the other proceedings emanating therefrom are quashed.

12. The present petition along with all the pending applications stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 16, 2024

Pallavi/KR