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

+ **CRL.M.C. 6393/2024**

WAJAHAT AZEEM USMANI

.....Petitioner

Through: Mr. Akbar Siddique, Mr. Parv K.
Garg, Mr. Mohd. Osama, Mr.
Animesh Mishra and Ms. Akanksha
Chandhok, Advs.

versus

STATE THROUGH GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam, APP with
Insp. Vandana, PS Maurice Nagar

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
19.11.2024

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1. This is a petition filed under section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') seeking quashing of FIR No. 123/2016, dated 19.06.2016 registered at PS Maurice Nagar, Delhi under section 420 IPC, 1860 and all proceedings emanating therefrom. The chargesheet has been filed under sections 420/120B IPC, 1860.
2. Briefly stating the facts are that the petitioner appeared in the entrance exam of MCA conducted by respondent no. 2 and while giving the exam, the petitioner was caught cheating from his mobile phone in Room 59, First Floor, Faculty of Arts Building.
3. During the proceedings, respondent No. 2 i.e. Dean of University of Delhi has taken a stand that the petitioner is a bright student and has been



doing well in academics.

4. Mr. Pathak, learned counsel appears for respondent No. 2 and has no objection if the FIR No. 123/2016 is quashed.

5. I am of the view, that the petitioner at the time of offence was 21 years old and took to illegal means for clearing the exam. He has never been implicated in any such offence in the past or thereafter and has clean antecedents.

6. My attention has been drawn to letter dated 03.10.2023 issued by respondent no. 2 which suggests that the petitioner has obtained his MBA degree from Jamia Milia Islamia University and has also cleared both the levels of CFA and wishes to pursue a Doctorate degree from USA.

7. Keeping in view the totality of circumstances and in view of the fact that it was a one-time offence committed at a young age, I am inclined to allow the petition.

8. Mr. Siddiqui, learned counsel for the petitioner states that the petitioner shall voluntarily deposit Rs. 70,000/- with DHCLSC within 4 weeks from today.

9. For the reasons noted above, FIR No. 123/2016, dated 19.06.2016 registered at PS Maurice Nagar, Delhi under section 420 IPC, 1860 and all proceedings emanating therefrom are hereby quashed.

10. The proof of payment shall be placed on record within 5 weeks from today, failing which the file shall be put up before the Court.

11. The petition is disposed of.

JASMEET SINGH, J

NOVEMBER 19, 2024/DM