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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 8494/2024**

HEMRAJ

.....Petitioner

Through: Mr. B.C. Mishra, Adv.

versus

THE STATE OF NCT OF DELHIRespondent

Through: Mr. Ajay Vikram Singh,
APP for the State
Inspector Anand Prakash,
PS- ACB

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

25.10.2024

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CRL.M.A. 32397/2024 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 8494/2024

3. The present petition is filed seeking quashing of proceedings in FIR No. 7/2014 dated 11.01.2014 registered at Police Station AC Branch for offences under Sections 7/13 of the Prevention of Corruption Act, 1988.
4. The learned counsel for the petitioner submits that the petitioner was exonerated by the appellate authority in departmental proceedings. He submits that, in such circumstances, no proceedings in the FIR which was registered on the same allegations can continue.
5. He relies upon the judgment passed by the Hon'ble Apex Court in the case of *Ashoo Surendranath Tewari v. Deputy Superintendent of Police, EOW, CBI & Anr.* : (2020) 9 SCC



636.

6. He submits that the similarly placed co-accused, Ishwar Singh, in the present FIR has already been discharged by the order passed by this Court in CRL. M.C. 5376/2024 dated 03.09.2024.

7. It is not disputed that the petitioner is similarly placed as the co-accused, Ishwar Singh.

8. This Court in CRL. M.C. 5376/2024, by order dated 03.09.2024, had discharged the co-accused, Ishwar Singh, noting that he had been exonerated in the departmental proceedings.

9. It was further noted that the evidence collected during the course of investigation in the FIR was the same as sought to be relied upon by the Department in the Departmental proceedings. In the present case, the Department is also the same, that is, the Delhi Police.

10. In view of the above, the present petition is allowed and the petitioner is discharged in FIR No. 7/2014.

11. The petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

OCTOBER 25, 2024

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