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

+ **CRL.M.C. 9019/2024**

SARWAR ALAM

.....Petitioner

Through: Mr. Akbar Siddique, Mr. Mohd.
Osama, Mr. Mohammad Farman
Ashraf, Advs.

versus

STATE (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**

CRL.M.A. 34523/2024

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 9019/2024

3. 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 under section 420 IPC, 1860 and all consequential proceedings emanating therefrom. The chargesheet has been filed under sections 420 and 120B IPC, 1860.
4. Briefly stating the facts are that one, namely Mr. Wajahat Azeem Usmani appeared in the entrance exam of MCA conducted by respondent no. 2 and while giving the exam, he was caught cheating from his mobile phone in Room 59, First Floor, Faculty of Arts Building.



5. The allegation against the petitioner herein is that the petitioner was assisting Mr. Wajahat Azeem Usmani in his act of cheating by sending solved answers on 'whatsapp'.
6. Issue notice. Ms. Dalal, learned APP accepts notice. Mr. Pathak, learned counsel accepts notice for respondent No. 2 and states that he does not wish to file any response.
7. Mr. Siddiqui, learned counsel for the petitioner states that the FIR against Mr. Wajahat Azeem Usmani, the main accused has been quashed today in CRL.M.C. 6393/2023 and hence on the same parity, the FIR against the petitioner be also quashed.
8. I am of the view that on the date of the offence, the petitioner was 21 years old has never been implicated in any such offence in the past or thereafter and has clean antecedents. The petitioner has completed his graduation from in Bachelor of Science and Mathematics from the University of Delhi and has done masters in Mathematics from IIT, Madras. The petitioner is currently working as a Data Scientist in 'Intellect Design Arena Ltd.'.
9. The petitioner has committed the offence at a young age and has a bright future ahead. In addition, the FIR against the main accused i.e. Mr. Wajahat Azeem Usmani is already quashed.
10. 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.
11. Mr. Siddiqui, learned counsel for the petitioner states that the petitioner shall voluntarily deposit Rs. 70,000/- with DHCBA within 4 weeks from today.



12. 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.
13. The petition is disposed of accordingly.

JASMEET SINGH, J

NOVEMBER 19, 2024/DM

[Click here to check corrigendum, if any](#)