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

+ **W.P.(CRL) 3521/2024**

AKASH JANGIR

.....Petitioner

Through: Mr. Deepak Sharma, Adv. (Through
VC)

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Amol Sinha, ASC for State
SI Mamta with HC Sanjay PS
Dwarka Sec-23

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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14.02.2025

1. This order is being passed in continuation of the order dated 12.11.2024 passed by the predecessor Bench. The order of 12.11.2024 read as under: -

“By way of the present petition filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 ('BNSS'), the petitioner seeks quashing of case FIR No. 80099800 dated 07.09.2024 registered under section 305 of the Bharatiya Nyaya Sanhita 2023 ('BNS') at P.S.: e-Police Station, Dwarka Sector-23, Delhi.

2. At the outset, upon a perusal of the record, it transpires that there are 05 accused persons in the matter; however, only 01 of them has approached this court for quashing of the subject FIR.

3. It is further noticed, that one Mr. Ajeet Singh s/o Ved Prakash has been impleaded as respondent No.2, who is stated to be employed as the Sub-Division Engineer with the Mahanagar Telephone Nigam Limited ('MTNL') and is supposed to be the officer handling the matter on behalf of MTNL. However, the said Ajeet Singh appears to have been impleaded in his personal capacity and not as the authorised officer of MTNL. Even the affidavit of no-objection given by



respondent No.2 in support of the petition has been filed in his personal capacity without any authorisation or approval from MTNL.

4. Learned counsel for the petitioner has handed-up a copy of authorisation letter dated 11.11.2024, submitting that the authorisation letter grants to Mr. Ajeet Singh the requisite authority to settle the matter on behalf of MTNL.

5. It is however seen, that the authorisation letter is dated 11.11.2024 though the petition was filed on 07.11.2024. Furthermore, the authorisation letter also refers to an approval that is required from a competent authority, which approval has also not been filed on record.

6. In view of the above circumstances, before proceeding further with the matter, the petitioner is directed to make requisite amendments to the petition and to place on record all necessary documents to enable adjudication of the matter.

7. Let the needful be done before the next date.

8. Re-notify on 14th February 2025.”

2. Learned counsel for the Petitioner states that an amended writ petition along with an amended memo of parties has been filed on record and Mahanagar Telephone Nigam Ltd. (MTNL) has been duly arrayed as Respondent No. 2 through its authorized representative, i.e., Sub-Divisional Engineer, Sh. Ajeet Singh.

3. He states that the Petitioner herein is a security guard and the subject FIR was registered against him on the allegation that due to his negligence there was a theft, which resulted in a loss to the complainant Company.

4. He states that Petitioner has duly compensated Respondent No. 2 and paid over a sum of Rs. 80,135/-. He states that a Memorandum of Understanding (‘MoU’) recording payment and settlement dated 05.11.2024 is on record. He states affidavit dated 07.02.2025 in support of this petition on behalf of Respondent No. 2 has been signed by the authorized representative of MTNL i.e., Mr. Ajeet Singh.

5. Mr. Ajeet Singh is present in Court and has been duly identified by



the Investigating Officer (IO), who confirms that it was Mr. Ajeet Singh, who has lodged the complaint on behalf of MTNL which led to registration of the subject FIR. This Court has interacted with Mr. Ajeet Singh and he has produced the original authorization dated 23.12.2024, issued in his favour by Deputy General Manager, MTNL for perusal of this Court. Copy of the said authorization has also been annexed as Annexure P-5 to the amended writ petition.

6. The authorization records the factum of amicable resolution of dispute between MTNL/Respondent No. 2 and the Petitioner. The resolution also records the authorization executed in favor of Sh. Ajeet Singh, Sub-Divisional Engineer to execute the affidavit for quashing of subject FIR.

7. Learned ASC states that on the disclosure statement of the Petitioner, two (2) more persons were arrested and against another person notice under Section 41A of the Code of Criminal Procedure, 1973 has been issued. He states that investigation qua remaining 3 accused is pending.

8. In this regard it would be relevant to refer to the judgment passed in **Parbatbhai Aahir and Others v. State of Gujarat and Another** (2017) 9 SCC 641 wherein the Supreme Court has laid down broad principles for High Courts exercising jurisdiction under Section 482 for quashing proceedings on the ground of settlement.

9. Keeping in view the nature of the dispute and the fact that the parties have amicably settled the dispute and considering the chances of conviction of the Petitioner being remote and bleak, this Court is, therefore, of the view that there is no use continuing with proceedings of the present FIR qua the Petitioner herein, as it would be misuse of the process of the Court and an unnecessary burden on the State exchequer. Further this Court is also of the



considered opinion that it is a fit case to exercise discretionary jurisdiction under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In view of the above, the FIR No. 80099800/2024 dated 07.09.2024 registered at P.S. e-Police Station, Dwarka Sector-23, Delhi for offences under Sections 305 of the Bharatiya Nyaya Sanhita, 2023 and proceedings emanating therefrom for the Petitioner are partially quashed. The proceedings against the remaining three accused shall continue uninfluenced by the order passed today.

11. Parties are bound down by the terms of Memorandum of Understanding dated 05.11.2024 and shall abide the same.

12. Pending application, if any, is disposed of as infructuous.

13. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 14, 2025/hp/MG

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