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

+ **W.P.(CRL) 3558/2025**

DEVESH KUMAR

.....Petitioner

Through: Mr. Dileep Kumar Mishra, Adv.
(Through VC)

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Sanjeev Bhandari, ASC for State
with Mr. Arjit Sharma and Ms. Sakshi Jha, Adv.
with SI Ashok Kumar, PS IGI Airport, New Delhi

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

03.11.2025

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CRL.M.A. 32171/2025

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

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3. The present writ petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973), seeking issuance of an appropriate writ, order, co-warrant or direction to the respondents to remove the name of the petitioner from the police criminal record, wherein his name has been wrongly mentioned under Section 379 of the Indian Penal Code, 1860



(hereinafter “IPC”).

4. Mr. Dileep Kumar Mishra, learned counsel for the petitioner submits that the petitioner was employed as ground staff at Air India, IGI Airport, New Delhi. In FIR No. 343/2009, registered at P.S. IGI Airport, offences were initially recorded under Sections 279/337 of the IPC, later modified to Sections 279/338 of the IPC owing to the nature of the injury caused. The matter was compounded before the learned Additional Chief Metropolitan Magistrate (hereinafter “ACMM”), Dwarka Courts, and by order dated 09.03.2011, the petitioner was convicted under Section 279 IPC and directed to pay a fine of ₹100/-, which was duly deposited.

5. Learned counsel further submits that despite the clarification made by the Police Station, IGI Airport in its status report, wherein it was categorically recorded that FIR No. 343/2009 pertained only to Sections 279/338 of the IPC and not to Section 379 of the IPC, the petitioner continues to suffer the consequences of an erroneous police record. As per the Aerodrome Entry Permit Application Form placed on record, it is revealed that the petitioner’s name is still reflected as being involved in an offence under Section 379 of the IPC. This erroneous entry has caused the petitioner repeated hardship in obtaining entry passes for employment at IGI Airport.

6. It is in these circumstances that the petitioner has approached this Court seeking necessary directions to correct the police records and to delete his name from the category of persons recorded under Section 379 of the IPC, asserting that such an entry is not borne out from the judicial record and is contrary to the order of conviction passed by the learned ACMM, Dwarka Courts on 09.03.2011.



7. This Court has heard learned counsel for the petitioner and perused the record. Learned ASC for the State also submits that necessary clarifications on this very point have already been given. As per the aforementioned status report, the final chargesheet had been submitted before the concerned Court under Sections 279/338 of the IPC. Subsequently, the learned ACMM, Patiala House Courts, also observed the same thing. Further, as per the communication dated 26.09.2025 from P.S. IGI Airport, it was once again clarified that the learned ACMM, Dwarka Court had sentenced the petitioner to pay a fine of ₹100/- for the offence under Section 279 of the IPC, and nowhere was it mentioned that any offence under Section 379 of the IPC was pending.

8. Be that as it may, this Court deems it appropriate to direct the concerned authorities to remove the name of the petitioner from the criminal record under Section 379 of the IPC in respect of FIR No. 343/2009, P.S. IGI Airport. Learned counsel for the petitioner as well as the learned ASC for the State submit that they have no objection to this course of action. Learned counsel for the petitioner further submits that he does not wish to press the other prayers made in the petition.

9. In view of the foregoing, the writ petition stands allowed to the aforesaid extent. The concerned authorities, including respondent no. 2 are directed to carry out the necessary correction forthwith. All pending applications, if any, also stand disposed of.

AJAY DIGPAUL, J

NOVEMBER 3, 2025
gs/yr