

## Dinseh Kumar vs The Govt. Nct Of Delhi on 27 January, 2023

\$~R-238

\* IN THE HIGH COURT OF DELHI AT NEW DELHI  
+ CRL.REV.P. 171/2021  
DINSEH KUMAR

Through: Mr. Pradeep K Yadav & Mr. ....  
Advocates

versus

THE GOVT. NCT OF DELHI .....  
Through: appearance not given

CORAM:  
HON'BLE MR. JUSTICE ANISH DAYAL  
ORDER

% 27.01.2023

1. List in due course in the category of Regular Matters, as per its own turn.
2. Order be uploaded on website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm \$~53 \* IN THE HIGH COURT OF DELHI AT NEW DELHI LAKHWINDER SINGH @ SURESH ..... Petitioner Through: Mr. Shubham Gupta, Advocate versus STATE GNCT OF DELHI ..... Respondent Through: Mr. Ritesh Kumar, APP for the State SI Vijay Raj Singh, PS Patel Nagar CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL ORDER % 27.01.2023 Exemption allowed subject to all just exceptions.

1. Learned counsel for the petitioner seeks leave to withdraw the present application at this stage. He further states that the regular bail application No. 3496/2022 is already listed before this Court on 10th February, 2023.
2. In view of these facts, this bail application is dismissed as withdrawn.
3. Order be uploaded on website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm \$~54 \* IN THE HIGH COURT OF DELHI AT NEW DELHI KRISHAN @ DHILLA ..... Petitioner Through: Mr. Jai Dev Sharma, Advocate versus STATE OF NCT OF DELHI ..... Respondent Through: Mr. Ritesh Kumar, APP for the State SI Sachin, PS Dwarka Sector 23 CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL ORDER % 27.01.2023 Exemption allowed

subject to all just exceptions.

1. This petition has been filed seeking interim bail for a period of 20 days in FIR No.261/2021 dated 11th July, 2021 registered at PS Dwarka Sector 23 under section 302 IPC.
2. Interim bail is being sought on the ground that the father of the petitioner passed away on 17th January, 2023 and even though he was allowed to participate in the last rites under custody, he reached very late and therefore, could not interact with the family members. Also, subsequent ceremonies like tehri etc. are scheduled later this month.
3. Notice. Ld. APP for the State accepts notice.
4. Let the State verify the facts as mentioned in the application and file a status report, if possible, before the next date of hearing.
5. List on 30th January, 2023.
6. Order be uploaded on website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm \$~55 \* IN THE HIGH COURT OF DELHI AT NEW DELHI SHANTANU ..... Appellant Through: Ms. Shriya Maini & Mr. Rajive Maini, Advocates versus THE STATE ..... Respondent Through: Mr. Sanjay Lao, Standing Counsel with Ms. Priyam Aggarwal, Adv. Mr. Ritesh Kumar, APP for the State SI Parveen, PS Lahori Gate CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL ORDER % 27.01.2023 Exemption allowed subject to all just exceptions. CRL.M.(BAIL) 121/2023

1. This application has been moved seeking regular bail in FIR No.171/2016 under section 376 IPC and section 6 POCSO Act registered at PS Lahori Gate wherein the appellant has been awarded sentence for 10 years RI with fine of Rs.5,000/- for offence punishable under 6 POCSO Act vide order on sentence dated 28th October, 2020 and the appellant is in custody for the last 2 years.
2. Learned counsel for the appellant contends that as per the record even before the Ld. Trial Court, the allegation at best by the victim was that she was touched by the accused and there was no penetration of any sort.

However, this fact was improved upon later and the time and mentioned in the site plan, which seems to have led to finding of conviction. Also the Trial Court's reasoning is flawed despite having noted these facts.

3. Notice. Ld. APP for the State accepts notice.

4. State shall file status report particularly with respect to these issues, before the next date of hearing.

5. List on 15th March, 2023.

6. Order be uploaded on website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm \$~56 \* IN THE HIGH COURT OF DELHI AT NEW DELHI SH. MAHENDER SINGH ..... Petitioner Through: Mr. Manmohan Swaroop & Ms. Sanyogita Swroop, Advocates versus SMT. ATLESH ..... Respondent Through: Mr. Nikhilesh Kumar, Adv. for respondent CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL ORDER % 27.01.2023 Exemption allowed subject to all just exceptions.

1. This petition has been filed for setting aside the impugned order dated 10th November, 2022 passed in CC No.10538/2017 by the Ld. MM in proceedings under section 138 & 142 NI Act acquitting the accused-respondent.

2. Learned counsel for the respondent has entered appearance and accepts notice and seeks time to file a short reply. Same be filed within 4 weeks with advance copy to the learned counsel for the petitioner, who may file rejoinder, if so desire, before the next date of hearing.

3. List on 13th July, 2023.

4. Order be uploaded on website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm \$~57 \* IN THE HIGH COURT OF DELHI AT NEW DELHI RAMESH KUMAR WADHERA. .... Petitioner Through: Mr. Saurabh Kansal & Mr. Deepak Pandey, Advocates versus DIRECTORATE OF ENFORCEMENT ..... Respondent Through: Mr. Anupam S Sharma, Sp. Counsel for ED with Mr. Prakash Arian, Mr. Harpreet Kalsi, Mr. Abhishek Batra & Mr. Ripudaman Sharma, Advocates CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL ORDER % 27.01.2023 Exemption allowed, subject to all just exceptions.

1. This petition has been filed for cancelling the Non Bailable Warrants (NBWs) issued by the learned Special Judge (CBI) Rouse Avenue Courts on 09th January, 2023 and restoration of the bail bond in (complaint case) CC No.9/2021.

2. Learned counsel for the petitioner states that on 09th January, 2023 learned counsel for the petitioner/accused no.4 was present before the learned Special Judge and had stepped out to rectify the application for exemption from personal

appearance which was later moved before the court at 11:00 AM, however, the court dismissed the said application and sustained the NBWs.

3. In view of the facts and circumstances and as stated by the learned counsel for the petitioner, NBWs stand cancelled on the condition that the petitioner will remain present on the next date before the learned Special Judge i.e. on 3rd February, 2023.

4. The counsel for the respondent has objected by stating that application under Section 70 (2) Cr.P.C. has not been moved by the petitioner.

However, since this petition has been moved under Section 482 Cr.P.C., in the interest of justice, the above directions have been passed.

5. This petition is disposed of.

2. Order be uploaded on website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm \$~58 \* IN THE HIGH COURT OF DELHI AT NEW DELHI SH. BHAIRO SINGH ..... Petitioner Through: Ms. Kanchan, Advocate with petitioner in person versus THE STATE (GOVT. OF NC T OF DELHI) AND ANR.

..... Respondents Through: Mr. Raj Kumar, APP for the State SI Sachin Yadav, PS Hari Nagar Ms. Shivani Sharma, Adv. for R-2 with R-2 in person CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL ORDER % 27.01.2023 Exemption allowed, subject to all just exceptions.

1. This petition has been filed seeking quashing of FIR No.756/2015 under section 326 IPC registered at P.S. Hari Nagar on the ground that the parties have settled their disputes vide compromise deed dated 13th October, 2022, which is on record of this Court.

2. Petitioner and respondent no.2-complainant are present in the Court and have been duly identified by the IO and their respective counsels.

3. On query, respondent no.2-complainant has confirmed having settled the matter with the petitioner out of own free will and volition and has no objection to quashing of the FIR.

4. Considering the above settlement between the parties and the chances of conviction of the petitioner being remote and bleak, there is no use continuing with proceedings of the present FIR as it would be a misuse of the process of the Court and an unnecessary burden on the State exchequer.

Accordingly, the petition is allowed. Consequently, the FIR No.756/2015 under section 326 IPC registered at P.S. Hari Nagar and proceedings emanating therefrom are quashed.

5. Parties shall abide by the terms of settlement.

6. Accordingly, the petition is disposed of. Pending applications (if any) are disposed of as infructuous.

7. Order be uploaded on website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm \$~60 \* IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 551/2023 & CRL.M.A. 2180/2023 (stay) RAJIV JAIN ..... Petitioner Through: Mr. Ashok K Garg, Adv. (thru VC) and Ms. Sakshi Jayan, Adv.

versus STATE OF NCT OF DELHI & ANR. .... Respondents Through: Ms. Richa Dhawan, APP for the State SI Sonal Raj, PS Darya Ganj Mr. Rahul Kumar, Advocate for R-2 with R-2 in person CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL ORDER % 27.01.2023 Exemption allowed subject to all just exceptions.

1. Learned counsel for the petitioner, who appears through VC, states that the petitioner herein was not the proprietor for JCB Publications & Distributors and it was only his wife Smt. Usha Jain whose petition for quashing is now listed before this Court on 17th July, 2023.

2. In order to appreciate the contentions of the petitioner and his wife, it would be appropriate to hear these matters together.

3. Accordingly, list on 17th July, 2023.

4. Order be uploaded on website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm \$~62 \* IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.REV.P. 61/2023 & CRL.M.A. 2201/2023 MANOJ BHALLA ..... Petitioner Through: Mr. Praveen Suri, Advocate versus THE STATE GOVT. OF NCT OF DELHI & ANR. .... Respondents Through: Mr. Ritesh Kumar, APP for the State Mr. Aakash, Adv. for complainant CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL ORDER % 27.01.2023 Exemption allowed subject to just exceptions.

1. This application has been moved stating that the petitioner is ready and willing to pay Rs.7,00,000/- to respondent No.2 which was directed as part of the sentence awarded by the Ld. Trial Court in proceedings under Section 138 of the NI Act.

2. Considering that this Court has already dismissed the revision (CRL.REV.P. 61/2023) preferred by the petitioner vide order dated 20th January, 2023, to secure the ends of justice and the interest of the complainant, it would be appropriate if the said amount is paid to the complainant and the proceedings are compounded before the Ld. Trial Court.

3. Learned counsel for the complainant is present in Court and submits that he is ready and willing to accept the said amount Rs.7,00,000/- and will have no objection to the compounding. Parties are at liberty to move appropriate applications before the Ld. Trial Court in this regard.

4. In this view of these facts, no further directions are required.

5. Parties shall appear before the Ld. Trial Court on 30th January, 2023.

The urgency is sought on account of the fact that the petitioner is 66 years of age and is suffering from certain ailments and is in custody.

6. Petition is disposed of.

7. Order be given in dasti under signatures of the Court Master.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm \$~63 \* IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(CRL) 1796/2022, CRL.M.A 15482/2022, CRL.M. A 20685/2022, CRL.M.A 20686/2022, CRL.M.A 20687/2022, CRL.M.A 20688/2022, CRL.M.A 22329/2022, CRL.M.A 22601/2022 & CRL.M.A 22635/2022.

MANISH CHADHA

Through:

.....  
Ms. Tanya Goel, Adv. w  
in person

versus

STATE GOVT OF NCT AND ORS

..... Responde

Through: Mr. Sanjeev Bhandari, ASC (Crl.) with Mr. Kunal Mittal, Mr. Allok Sharma & Mr. Sauravh Tanwar, Advocates for the State SI Mukesh Kumar & ASI Naresh Mr. Vineet Dhanda, Advocate (DHCLSC) for R-2/UOI CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL ORDER % 27.01.2023

1. This application has been filed seeking advancement of date of 10th July, 2023 on which date the petition is already listed.

2. No ground is made out for preponing the hearing of the petition. The petitioner, who appears in person, states that since on his complaint no FIR was registered, he will take steps in accordance with law as may be available to him for his grievance to be addressed.

3. The application is dismissed and disposed of accordingly.

W.P.(CRL) 1796/2022

1. List on 10th July, 2023, the date already fixed.

2. Order be uploaded on website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm \$~64 & 65 \* IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(CRL) 237/2023 MONIKA SIROHI AND ORS. .... Petitioners Through: Mr. H S Gulati, Adv.

versus STATE (GOVT. OF NCT OF DELHI) AND ORS. .... Respondents Through: Mr. Sanjay Lao, Standing Counsel with Ms. Priyam Aggarwal, Adv.

SI Abhishek PS Harsh Vihar

+ W.P. (CRL) 239/2023  
SH. RAJNISH KUMAR & ORS.  
Through:

..... Pe

Mr. Pradeep, Adv.

versus

STATE & ANR.

..... Re

Through: Mr. Sanjay Lao, Standing Cou  
with Ms. Priyam Aggarwal, Ad  
SI Abhishek PS Harsh Vihar  
SI Anjani K Singh, PS Wazira  
Mr. H S Gulati, Adv. for R-2

CORAM:  
HON'BLE MR. JUSTICE ANISH DAYAL  
ORDER  
27.01.2023

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CRL.M.A. 2173/2023 in W.P.(CRL) 237/2023 & CRL.M.A. 2192/2023 in W.P.(CRL) 239/2023

1. Exemptions are allowed subject to all just exceptions.

2. Both the applications stand disposed of.

W.P.(CRL) 237/2023 & W.P.(CRL) 239/2023

1. These petitions have been filed for quashing of FIR No.609/2019 under sections 323/341/354/34 IPC registered at PS Harsh Vihar on the ground that the parties have settled their disputes. Learned counsel for the petitioners states that other connected petitions in other FIR relating to same parties being W.P. (Crl.) 186/2023 & W.P. (Crl.) 188/2023 and Crl. M.C. 454/2023 are listed for quashing before this Court on 7th February, 2023.
2. Accordingly, list these petitions along with connected matters on 7th February, 2023.
3. Order be uploaded on website of this Court.

ANISH DAYAL, J JANUARY 27, 2023/sm